

JOURNAL

OF THE

FIFTH BIENNIAL SESSION

OF THE

SENATE OF ALABAMA,

SESSION OF 1855-'56

HELD IN THE

CITY OF MONTGOMERY.

WITH AN INDEX,

PREPARED BY THE SECRETARY OF STATE.

MONTGOMERY :
BATES & LUCAS, STATE PRINTERS,
1856.

JOURNAL.

MONTGOMERY, ALABAMA, {
Monday, November 12, 1855. }

This being the second Monday in November, in the year of our Lord, one thousand eight hundred and fifty-five, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the Senate assembled in the Senate Chamber of the State Capitol.

Mr. Patton, of Lauderdale, was called to the Chair, and Joseph A. Phelan appointed Secretary *pro tem*.

The Senators elect were qualified and took their seats, and the roll of Senatorial Districts being called, the following Senators were found in attendance, to wit:

1. From the District composed of the county of Mobile, T. B. Bethea.
2. Baldwin, Monroe and Clarke—J. S. Jenkins.
3. Coffee, Covington and Conecuh—W. A. Ashley.
4. Dale and Henry—James Searcey.
5. Barbour—Batt. Peterson.
6. Pike—Harrell Hobdy.
7. Russell—Ben. H. Baker.
8. Macon—
9. Montgomery and Autauga—Adam C. Felder.
10. Dallas and Wilcox—Robert H. Hatcher.
11. Sumter, Choctaw and Washington—Thos. McC. Prince.
12. Greene and Marengo—Joseph W. Taylor.
13. Perry and Bibb—Jack F. Cocke.
14. Lowndes and Butler—F. C. Webb.
15. Coosa—James R. Powell.
16. Tallapoosa—Allen Kimball.
17. Chambers—E. J. Bacon.

18. Randolph—Henry W. Gay.
19. Talladega—J. T. Bradford.
20. Benton—Miles W. Abernathy.
21. Jefferson and Shelby—
22. Tuskaloosa—Robert Jamison, Jr.
23. Pickens—B. F. Wilson.
24. Marion and Fayette—Elliott P. Jones.
25. Franklin—Henry C. Jones.
26. Lawrence, Hancock and Walker—William A. Hewlett.
27. Blount and St. Clair—Mace T. P. Brindley.
28. Cherokee—B. C. Yancey.
29. Marshall and DeKalb—James Lamar.
30. Jackson—Thomas Wilson.
31. Madison—William Acklin.
32. Limestone and Morgan—John N. Malone.
33. Lauderdale—Robert T. Patton.

Mr. Austin was appointed Door-keeper *pro tem*.

The Senate then proceeded to the election of a presiding officer.

Ben. C. Yancey, of Cherokee, alone being in nomination, and he having received thirty votes, that being the entire number of votes given, was declared duly elected President of the Senate for the present session.

The Chair appointed a Select Committee, consisting of Messrs. Wilson, of Jackson, Bethea and Powell, to inform Mr. Yancey of his election.

He was conducted to the Chair, was qualified, and entered upon the duties of his office.

The Senate proceeded then to the election of a Secretary. Joseph H. Phelan alone being in nomination, and having received thirty-one votes, that being the whole number of votes given, was declared duly elected Secretary of the Senate during the present session. He was qualified, and entered upon the duties of his office.

The Senate then proceeded to the election of an Assistant Secretary.

Micah Taul alone being in nomination, and having received thirty-one votes, that being the whole number of votes given, he was declared duly elected Assistant Secretary of the Senate during the present session. He was qualified, and entered upon the duties of his office.

The Senate next proceeded to the election of a Door-keeper.

Wm. B. Padgett, James C. Austin, Batt. Clarke and John A. Johnson being in nomination.

Those who voted for Mr. Padgett are, Messrs. President Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, Jones, of Fayette, Lamar, Malone, Patton, Powell, Wilson, of Jackson, Wilson, of Pickens—17.

Those who voted for Mr. Austin are, Messrs. Ashley, Bethea, Cocke, Hatcher, Jemison, Kimball, Prince, Taylor, Webb—9.

Those who voted for Mr. Clarke are, Messrs. Baker, Peterson and Searcey—3.

Those who voted for Mr. Johnson are, Messrs. Howlett and Jones, of Fayette—2.

Mr. Padgett having received a majority of the whole number of votes given, he was declared duly elected Door-keeper for the present session. He was qualified and entered upon the duties of his office.

On motion of Mr. Patton,

Resolved, That the House be informed that the Senate has organized, by the election of Hon. Ben. C. Yancey, of Cherokee, President; Joseph H. Phelan, of Coosa, Secretary; Micah Taul, of Talladega, Assistant Secretary; and William B. Padgett, of Jackson, Door-keeper, and is now ready to proceed to business.

On motion of Mr. Baker,

Resolved, That the Senate appoint a committee of three, to act with a like committee on the part of the House, to wait upon his Excellency, the Governor, and inform him that the two Houses are now organized and ready to receive any communication he may have to lay before them, whereupon Messrs. Baker, Acklin and Powell were appointed said committee on the part of the Senate.

On motion of Mr. Baker,

Resolved, That the Editors and Reporters of newspaper journals and periodicals have leave to come within the bar of the Senate, and have seats therein, for the purpose of reporting for their respective papers.

On motion of Mr. Ashley,

Resolved, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to report rules for the government of the two Houses when in convention, whereupon Messrs. Ashley, Malone and Jamison were appointed said committee on the part of the Senate.

Message from the House of Representatives by Mr. Chapman.

Mr. President :

The House of Representatives has adopted the following solution :

Resolved, That the Clerk inform the Senate that the House of Representatives has organized by the election of Hon. R. W. Walker, of Lauderdale, Speaker ; Albert Elmore, Principal Clerk ; R. H. Chapman, Assistant Clerk ; C. C. Carden, Engrossing Clerk ; and — Beason, Door-keeper, and is ready to proceed to business.

On motion of Mr. Acklin,

Resolved, That a committee of three be appointed for the purpose of preparing rules for the government of the Senate during the present session, whereupon Messrs. Acklin, Taylor and Patton were appointed said committee.

Mr. Searcey introduced a bill to repeal section 930 of the Code of Alabama, which was read the first time, and,

On motion of

Mr. Jemison, was laid on the table for the present.

And the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, November 13, 1855.

Senate met pursuant to adjournment.

Message was received from the House through Mr. Chapman.

Mr. President :

The House has passed the following resolution :

Resolved, That a committee of three be appointed, to act with a like committee on the part of the Senate, to wait on the Governor and inform him that the two Houses have organized and are ready to receive any communication that he may have to lay before them.

Messrs. Curry, Sykes and Beck were appointed said committee.

Mr. President laid before the Senate the Biennial Report of the State Treasurer, which was laid on the table, and five hundred copies ordered to be printed.

On motion of Mr. Brindley,

Resolved, That the President of the Senate be required to appoint the usual standing committees.

The bill to repeal section 930 of the Code of Alabama, was read the second time, and referred to the committee on Agriculture when raised.

H. W. Nelson, the Senator elect from the district composed

of the counties of Jefferson and Shelby, appeared in the Senate chamber, was qualified and took his seat.

Mr. Acklin, from the select committee on the part of the Senate, to act with the committee on the part of the House to wait on his Excellency, the Governor elect, and inform him that the two houses have organized and are ready to receive any communication he may have to make, reported that said committee had discharged that duty, and received for answer, that he will submit a communication in writing this day at 12 o'clock.

Mr. Acklin, from the select committee appointed to prepare rules for the government of the Senate, reported that they have had the same under consideration, and that he had been instructed to report the rules adopted for the government of the last session as the rules for the government of the present session of the Senate; which was concurred in, and one hundred copies ordered to be printed.

The Governor transmitted to the Senate, by his private Secretary, his Biennial Message, as follows:

Gentlemen of the Senate

and House of Representatives:

I congratulate you on the circumstances under which you assemble. We have abundant cause for continued thankfulness to that Supreme Providence, who overlooks and governs the affairs of men and nations, for a continuance of most of the blessings of life. Those engaged in the cultivation of the earth, have generally been favored with the fulness of increased production of its fruits, which most conduce to the support and enjoyment of the human family. Not only have we abundant crops of grain, but the product of the great staple of the State is such, as to enable us to enjoy many of the luxuries of life, and to discharge our pecuniary obligations to others.

While the industry of the planter has thus been rewarded, we have been exempt from the devastating ravages of disease, to the extent that others have suffered. Though we have been so spared and blessed as a people, yet we have to regret the loss of some of our most worthy and estimable citizens. Of the number whose death we have to deplore, is my immediate predecessor, the Hon. Henry W. Collier, who, in the vigor of physical and mental ability, addressed you the last biennial communication from this department. He had been long honorably connected with the public service in this State, and at all times enjoyed the confidence of those who knew him, as a

man of ability, integrity, and sterling worth. He died in the Northern part of the State, whither he had gone to recruit his health. In his death the community have lost a good citizen, and the State a faithful servant.

Peace, and a quiet obedience to, and respect for law, and strict regard for the rights of others, characterise the conduct of our citizens. We have to deplore none of those outrages and breaches of moral and legal obligations that appear in other communities. No strange heresies blur the fair fame of the moral and political character of Alabama. A faithful observance of all legal and constitutional obligation, is a leading and prominent trait in the character of our people. Living fully up to the enlightened and christianized spirit of the age, they show themselves to be entitled to that character of manliness and chivalry, which constitutes the true American citizen. It is gratifying to see institutions of learning increasing and flourishing in all sections of the State, built up by the free will offering, energy and liberality of the people. It is a matter of some surprise, however, to observe that most Academies and Colleges are intended for the education and accomplishment of the female portion of our youth. While it is another evidence of the advancement of Southern cultivation, and chivalrous feelings, it is equally to be desired to see institutions of a similar character, for the culture of the young men of the State, appreciated and patronized by public liberality.

It is a subject of surprise and mortification, that the University of our own State has not obtained that degree of success and favor in the estimation of Alabamians, to which it is justly entitled. With an able and learned faculty, with every requisite for a thorough education, it seems to have been neglected, by those who should feel the deepest interest in its success and usefulness. It may be, that those who send their sons to other States, to pass through a collegiate course, desire them to be early inculcated with a proper sense of humility, and an acknowledgement of Southern inferiority, so much taught, and so thoroughly impressed in many of the institutions of the North, patronised by Southern youth. It will doubtless have the *happy* effect of inducing early submission to personal and political wrong, not a natural trait in the young men of the South, but a sentiment, it may be considered by some important, they should learn early. Or it may be, that those who seek an education far from home, expect to be able to pass for men of great accomplishments, on the reputations of schools gone through, rather than the solid-

ity of their collegiate attainments. Be the cause what it may, the lamentable fact exists that the University of Alabama does not hold that position in the public estimation that it should. I earnestly invite the Legislative wisdom to a consideration of the cause, and the application of the proper remedy.

The results of the School Bill of the last session, have not been so favorable as were hoped for by its friends. In some parts of the State it has worked well, in others it has not been well received, and not been productive of good. It was not to have been expected, however, that a system perfectly harmonious could have been adopted at once. It is to be hoped that the present Legislature, acting on the suggestions of the Superintendent, may be able to correct all imperfections, so as to make it acceptable to the whole people, and of greater utility to those for whose benefit it was enacted.

Large sums of money have been expended in the construction of the Insane Hospital, and the building is far from completion. Unfortunately a plan has been adopted which, to be fully carried out, will require heavy appropriations from the State Treasury. If it be considered an imperative obligation upon the State to maintain a Lunatic Asylum, it may be well to decide whether a proper regard for economy would not be consulted by the commencement of a new building, more suitable to the demands for a house for the purposes intended, as well as the financial condition of the State. A healthy location, cheerful mountain views, pleasant scenery, good water, &c., &c., have all been deemed indispensably necessary for the cure of the mind diseased. As a matter of economy, an Asylum should be located in a country where land, labor, and the supplies of life, are abundant and cheap; as well as a point easy of access from all parts of the State. If the building now commenced should be completed, large sums would have to be appropriated, to keep it in a state of preservation. A house of such dimensions, it is hoped, will not soon be demanded by the wants of that unfortunate class in our State.

Nothing important or new has transpired in regard to the financial condition of the State. Alabama bonds have not to any great extent been upon the markets, consequently they have not been taken up, as they would have been, to the limited extent of our available means. The reports of the State Commissioner, Treasurer, and Comptroller, will present a detailed and particular statement of the finances of the State. The present revenue act raises more money than is required to carry on, economically administered, the ordinary affairs of

the State Government, and as it is improper and unjust to collect from the people more money than the necessities of the State absolutely demand, the present rate of taxation might be very properly reduced. It is unjust to a people who have at all times promptly responded to whatever calls that have been made, to burden them with such taxation as may create a surplus in the Treasuay, to lie there unemployed, or become the subject of controversy between different interests, for the doubtful privilege of borrowing it. Altho' it is no part of the legitimate business of the State to lend its means or credit to its citizens, no matter in what pursuit engaged, it may be proper, as a financial operation, to lend to such enterprises as are considered of public utility whatever unproductive surplus there may be in the Treasury of the State, unavailable in the payment of State obligations, which is the first duty to the people and our creditors; provided, the parties borrowing, guarantee by security, both personal and real, the prompt payment of principal and interest, at some early date. The sum of four hundred thousand dollars has been loaned to the Mobile and Ohio Railroad Company, agreeable to the act authorizing the loan, and the interest has been paid promptly, according to the terms of the loan.

The propriety of the State loaning its credit, or raising the means from the people, to aid in the construction of railroads, appears not to have received the approbation either of the people, or those seeking place in the councils of the State. I look on it as a most fortunate circumstance for the country, that the sober common sense of the people was of such force as to correct so promptly the mania that pervaded the minds of many, but a few months since. We should rejoice that for the future, there is hope that the acts of the State will be confined to the few simple legitimate purposes of a republican government. The amount last to the credit of the State in the Treasury of the United States, was paid to the order of the State Commissioner direct, and did not pass through the State Treasury. The sum loaned to the Cahaba and Woodville Plank Road Company, by failure on part of the company to comply with the terms of the loan, has become due. Proceedings have not been instituted against the company on assurance that the money would be paid without a resort to coercive measures.

The report of the State Commissioner will show the amount of assets yet appertaining to the several Banks in liquidation, and the means yet to be expected from that source. The State Banks have been in liquidation now about twelve

years, and many of the debts yet outstanding have been in existence a much longer time. The people have a right to demand that this unfortunate experiment at State financering be brought to a close. The expensive machinery of mending up should be condensed. It will doubtless be necessary to continue the office of State Commissioner, or agent, but by a transfer of books and papers to not more than two places, the business could be so consolidated, as to require but few offices, and at lessened expense. Those who have taken so long to pay their debts, will have no just cause to complain at having to pay, at this late period, at a point less convenient than the original. The reissue of the bills or notes of defunct banks, in my estimation, is no longer admissable or proper, and could only have been excused by the straightened situation in which the crisis of broken Banks and failing credit placed us at the bursting of the system, and can no longer be justified by any principle of sound business policy, or good faith. The notes of the State Banks once taken up should be destroyed, and not thrown out, a depreciated currency, to drive out the better, and to be redeemed again by the people. It is an act of injustice to State officers and State creditors, to be compelled to receive payment in any currency not at par with gold and silver; an act, in the minds of many well informed persons, of doubtful constitutionality. Entertaining these views, I feel it to be my duty to urge upon the Legislative department the propriety of an act requiring the speedy burning of every bill of the State Banks, that may come into the hands of the Commissioner or Treasurer.

The Executive is required by law to visit the Penitentiary at least once in every year. The transfer of the management and discipline of the prison to lessees, makes this a duty of little practical utility. The lessees claim the privilege of using the labor of the convicts in such manner as to best promote their pecuniary interest. I look upon the experiment of leasing the prison to private individuals, who engage in the business for pecuniary profit, as of very questionable policy, as being adopted by the Legislature as a dernier resort, under difficulties, and a virtual abandonment of the expectation of reformation, which was one of the chief arguments in favor of the adoption of that mode of punishment. The system may be liable to favoritism towards some convicts, and oppression to others. A considerable portion of the inmates of the Penitentiary have been persons convicted in the Federal Court for violation of the laws of the United States. For the care and keeping of these convicts, the Federal Government has paid,

at different times, considerable sums of money. It is a matter for legal enquiry, whether the money so paid has been properly applied. The Penitentiary is believed to be of sufficient extent to hold all who have been, or are likely to be committed to its keeping, for a violation of the laws of the State. The law in regard to the escape of prisoners, both from the Penitentiary and County Jails, needs amendment. The laws requires the Warden to communicate to the Governor all escapes that may occur, yet makes no provision for any action on his part to cause the apprehension of those escaping. The Executive should be clothed with authority to offer a reward for the delivery of fugitives at the expense of those from whose custody they may have escaped. Jail-breaking has been frequent, and escapes common, yet the law, as it now is, does not empower the Executive to cause them to be retaken. The law of rewards is wholly defective, only authorizing a reward to be offered in case of escape before apprehension. I have exercised the power of Executive clemency to a limited extent, in most cases where the conduct of the convict had been good, and he had served out a portion of what was considered a hard sentence. I conceive it would be proper to authorize a conditional pardon in some cases, provided the convict would leave the State, never to return on the pain of being retaken. The State would be so relieved of the presence of such persons for the future. The health of the convicts for the last year, from the report of the Physician and Inspectors, appears to have been worse than usual. One of the principal causes assigned is the want of an abundant supply of good water. If the law is not sufficient to compel the lessees to furnish all that may be required, it should be made so.

In obedience to the joint resolution of February 8, 1854, on the subject of the line between Georgia and Alabama, I engaged the services of the Hons. E. S. Dargan and James E. Belser, to represent the State before the Court by which the question is to be decided. From their known integrity and ability, I have every reason to expect that the merits of the question will be so presented to the high tribunal before which the matter is to be tested as to insure a decision agreeable to the principles of justice and law, and a final settlement of the vexatious question.

In conformity to the act authorizing a geological survey of the State, I appointed Professor M. Tuomy, of the University, State Geologist. The act requires that he should make report to the Legislature. I am informed by him that he will, at an early date, be prepared with the report. I sincerely hope

it will meet fully the most sanguine expectations of the friends of the measure, and add to the fund of information on the subject investigated, so as to lead to further knowledge of the structure of the State, and be the means of developing and promoting the future wealth of the same.

In compliance with the law, (Code 434,) I engaged the services of R. T. Scott, Esq., to make out the registers of land sold in the State. He has for some months been busily engaged in that service. The cost of the work has been greatly more than was expected by me, or was perhaps contemplated by the Legislature. Making it obligatory on the Executive to have the work done, no discretion was vested in this Department on the subject. Although the cost to the State will be heavy, it is believed by those acquainted with the subject that the full amount of the cost will be saved to the State in the first year's assessment on land.

Conceiving it to be unwise and impolitic to retain on the statute book any law fallen into disrepute and become obsolete by force of public opinion, I am constrained to invite the legislative body to consider the propriety of a total repeal of the general Military laws. The necessity of a well trained militia is no longer recognised by our people, or enforced by those holding high military offices. Generally, no attention is paid to the subject. In some parts of the State, the people are called from their business and homes for little practical good. In the place of the present exploded system, I suggest the propriety of encouraging volunteer companies, by granting exemption from other public duties those who may be regularly drilled in organized volunteer corps. The volunteer regiment in the city of Mobile is equal to any citizen soldiery in the United States. Other regiments would be raised in the same manner, but for the old plan, which is now equivalent to, and worse than none.

Much of the legislation heretofore enacted, upon examination, will be found to be of a special character—of no general interest to the State. Ample provision has been made in the Code for legislation of that character. Acts for incorporation, charters for schools, colleges and manufacturing companies, encumber the statute books, while the object intended to be accomplished may be attained at much less trouble to the parties concerned by complying with the general law as already provided. The time of the Legislature is taken up, the session protracted, the laws made voluminous—all at great expense to the people of the State, by the continuance of such a course. Acting under a sense of duty to the people of the State, and having

such opinions, I cannot be expected to become a party to legislation of a like character. The statutes on the subject of usury in enlightened communities have of late years been much canvassed, and, to my mind, the conclusion has been established, that the effort to regulate by general laws the value of capital, or the price of any other marketable commodity, not only defeats its object, but often becomes instrumental in promoting the evil proposed to be avoided. In every community supposed to be capable of self government, and among a people as competent of taking care of themselves as the people of these States are believed to be, every man should be left to make his own bargains for money, as in any other business transaction. It is a well established fact that many persons grow rich by the usurious wire of capital. Those engaged in that business are of sufficient sagacity to avoid generally the penalties of the law. By usury laws many conscientious men are prevented from using their surplus means in that way, so they are driven from the money market, and the field is left clear to those who consider they have a right to obtain whatever premiums others may choose to give for the use of money; thus a fair competition is prevented. Those engaged in the business, charge the honest borrower for the risk they take in loaning to those who may not be so. The propriety of any statute may be well questioned for which a man may be considered disgraced for pleading it in bar of payment of a debt, as is generally the case in debts of this character. The law is a relic of barbarism, and only a legal subterfuge for repudiation, and increases the rate of interest, instead of lessening it. I am fully aware of the difficulty of combatting well established prejudices, or of advancing opinions difficult, and requiring study and mental labor to come to correct conclusions; but I venture to submit the question to the intelligence and good sense of the Legislature, and to the country, as one really calculated to benefit the whole community, particularly the borrowers.

The Constitution of the State, adopted at an early day, and the subject of frequent changes and amendments, has been so experimented upon as to have become, in many particulars, complex, contradictory, and so difficult to be understood and agreed upon, as to be the constant theme of legislative controversy and judicial adjustment, in some particulars presenting difficulties insurmountable. In one instance already, the State has sustained a heavy pecuniary loss. Much advancement has been made in popular government since the original adoption of the Constitution, and some of the amendments made to answer particular purposes have not improved it. I

suggest to you, therefore, the propriety of submitting the question to the people for the call of a convention, or at least to amend the present Constitution, so as to reconcile the incongruities existing in regard to the election of Treasurer and Comptroller.

The supposed expense incident to the call of a convention deters some, doubtless, from supporting the measure. More time is now consumed in the discussion of constitutional questions than would cover the expense of a convention. The matter, to be properly understood, should be submitted to the people the day of the general election, which would insure a free and full consideration of the propriety of the proposition.

The propriety of a change of the time of convening the Legislature presents itself forcibly to my mind. The time now fixed is one inconvenient to the planter, as well as to those of the legal profession. Members, too, are called from home before the sickly season is fully over ; and from the prevalence of the yellow fever at the seat of government for the last three summers, apprehension is excited in the minds of the members, as well as their families, though no member of the Legislature, or officer of the State, has yet been attacked with the disease. The ordinary dictates of prudence should require a change to a period a few weeks later, when there would be no just cause for apprehension. It is the opinion of some that in the event of a change to the first Monday in December, the term of the session would be shortened. It would also have the effect of settling that fruitful source of controversy and speculation, the location of the Capitol. Many who were opposed to the last removal, are now of the opinion that the Capitol and Capitol question have cost quite enough, and conceive it time the question was settled. No location can be expected to be satisfactory to all parts of the State ; and so far as the general interest is effected, the sooner the question is considered closed the better. It may be well asserted that the propriety, as well as the morality, of every removal that has yet taken place, were more than doubtful.

Impelled by the spirit of speculation, and a desire for the attainment of sudden wealth, without the means and labor usual to accomplish that desire, many persons have been made the earnest advocates of an expanded system of Banks and paper money. Unless we are unmindful of all the dearly bought experience of the past, we should hesitate long before we should become parties to a general system now in the flood-tide of experiment in many of the States of this Union.

A people so fully agricultural as ours are, have but little use for a flush circulation of paper money. The events of the last year, felt more in other countries than our own State, admonish us of the danger of a multiplication of Banks and facility of borrowing their issues. The abundant supply of gold from California, Australia, and other auriferous regions, prevented that disastrous crash in monetary affairs which has been so often realized in the history of the past, bringing distress and ruin on many who had no part in the recklessness which brought such disasters. Although the great increase of gold from the recently discovered sources may have prevented a general commercial crisis the few years past, the gold of the world does not afford a basis of safety for the greed of speculation and avarice which grows by what it feeds on, and has no limits ; and from which the only protection the country has, is the sober judgment of prudent men, founded upon the experience of years, of observation and study.

It might reasonably have been expected that the immense addition of coin to the circulating medium of the world, would have dismissed the necessity, in a great degree, of a paper currency ; but the very reverse seems to be the fact ; for the millions of coin now in the world has only stimulated an increased manufacture of banks. That a continuation of the policy will result in bankruptcy and ruin, if all history is not a delusion, is certain. Alabama has, in a great degree, of late years, escaped from injury incident to excessive banking. It is the part of wisdom to provide that our people shall still do so. There may be those among us mindful of their own peculiar aims and interests, who see none of those dangers, as there is an evident disposition to make Banks, as if the mere creation of a paper mint added anything to the real wealth of the country.

Banks are not created for the people, but to enable those who establish them to borrow their own bills, and pass them upon the public as money. The system of paper money being fixed upon the country, has to be tolerated as a necessary evil—at least until other States see the propriety of restricting them to mere commercial operations. It is the duty of wise legislators to restrain its capacity of mischief. We have now five banks in operation in this State, emitting a large circulation of their bills ; besides, agencies of Banks, and a large number of Insurance Companies, engaged in loaning money to those who can make good notes and bills. The tax rolls show immense sums loaned at interest, demonstrating the fact

that we have an abundance of capital in the country, fully equal to all the legitimate demands of a well regulated business ; and that an increase would only stimulate speculation and dangerous adventure, and consequent reaction and disaster. Under such a state of facts, I submit it to the legislative wisdom if it be not well to pause in the establishments of Banks. The report of the Commissioners appointed to examine into the affairs and condition of the Bank of Mobile and the Southern Bank, show a very favorable state of facts in regard to the management and solvency of those institutions, and fully justifies the public confidence they now enjoy.

The continued and violent agitation of the question of slavery by the people of the non-slaveholding States, exhibits a settled purpose on their part, led on by the bigoted fanatic and scheming politician, to permit the South the enjoyment of no peace in the Union, until, aroused by the spirit of freemen, we will have them to know we have borne with their aggressions until longer submission to wrong and insult is no longer endurable. The assailants of the South have continued their war upon us, until the assumed right of interference in our affairs has become with them a religious sentiment. At no period of our history has this question presented a more gloomy aspect. At no time has there been less prospect of a cessation of the hostile policy adopted towards us. Their power in the States and in Congress is greater and more formidable than ever before ; and they seem now actuated by a spirit of mischief. The highest tribunal of a State has shown in its decisions a ready subserviency to popular fanaticism ; and a State Legislature has violated the spirit of the constitutional compact of the Union, in order to prevent the execution of a law made to enforce the requirements of the Constitution. What was once considered the mad efforts of crazy enthusiasts, has now the control of the popular mind at the North, and has become a mighty power, only to be effectually resisted by a united people in the defence of the Constitution, and efforts to preserve a continuation of the Federal Union. It is the blindness of political madness to shut our eyes longer to the serious nature of our position on this subject. The time has come when, as a people united in an emergency, rising above all party considerations, we should be prepared to assert and to maintain our constitutional and natural rights, no matter from what source the assaults may come, or the consequences which may follow. The nature of man, in its best form, is aggressive—more so in communities and nations. All history teaches

us that no people ever maintained their natural or political rights by a course of temporising submission to wrong. Acquiescence in one case but invites another.

The compromises of the Constitution were the first, and should have been the last, the people of the South submitted to. Had the aggressive course of the North been met with firmness at the commencement of this war on our rights, we should long ago have had peace and quiet, which we have been unable to attain by compromises, often at war with the terms of our political compact, and replete with injustice to us. When the calculating selfishness of those agitating, and permitting this agitation, shall find the South agreed and united as to the settlement of this matter, we shall have peace, and not until then. When they are brought to see what they are about to lose—the trade of the South—by which they are the chief beneficiaries of the labor of slaves, the shop-keepers and manufacturers will see the wickedness of their conduct. They now very properly conclude, from the course of some Southern men, that we feel as if we would cease to exist without a political connection with, and dependence on, the non-slaveholding States. They have reason to believe that we are prepared for a continuation of the political compact—known as the Union—by a base and shameful acquiescence in whatever wrong they may choose to inflict.

The union of these States is only to be preserved by a faithful observance of the terms of the compact, as agreed upon in the Constitution; and the sooner the aggressor is made to understand such to be our conclusion, the more likely is the Union to last. So long as the Union is calculated to effect the great objects it was established to accomplish, it should be sustained. But when the government, under the control of a reckless majority, ceases to protect, and becomes an instrument of oppression, it will have failed in the purpose of its creation, and will no longer be a proper object of respect or veneration.

As a party to the great political events which seem fast coming to a crisis, we have no power of avoiding the issues presented. We have no escape, unless, by a firm and united course, we show ourselves ready to maintain our rights under any circumstances. We have nothing to hope from the sense of justice in the minds of a great majority of those in power in the free States. The realization of the fact that we had come to the period in the history of our wrongs, when we will dare to assert our political equality in the government at any hazard, might cause them to pause. They might be aware of

the delusion under which they lie in supposing the people of the slaveholding States so dependent upon a political connection with them for prosperity or happiness. The slaveholding States, and those inevitably bound to us by locality and interest, cover an extent of country whose geniality of climate, and productiveness of soil, combine to make us a people more independent of others than any other part of the world. Producing all the necessities, many of the luxuries of life, and the great staples that command the commerce of the world, we are as independent, when we shall be driven to independence, of the product or manufactories of those who feel such degradation in the alliance, as if an impassable ocean rolled between us.

With a people brave, intelligent, energetic, and, when aroused, as patriotic as any that have ever lived, I see none of those causes of apprehension and alarm at the contemplation of wrongs, long continued, which will inevitably drive us to dissolve the political ties which have heretofore existed between us and our assailants.

Freed from the commercial restrictions by which we have been fettered for the benefit and protection of the capitalists of our assailants, by the operations of federal legislation, both the products and mechanical labor of the South would receive an impulse never yet enjoyed. The Northern States, so much aggrieved by any connection with slavery, would soon, in bankruptcy and ruin, realize the only injury that their madness will have provoked, and in sackcloth and poverty repent too late of the folly and madness which provoked such results. This question is not one of mere policy which you are called upon to meet; it is a question of existence itself. Necessity knows no law but the law of self-preservation, the first law of nature. As such, it commands your most intense attention, which I earnestly recommend it may receive in your deliberations. For myself, I have long been convinced that the day for compromises and appeals to Northern forbearance had passed, and that our safety depended on a stern and more manly course—resolving, as heretofore, to ask for nothing but what is right, and determine to submit to no farther wrong.

It shall be my earnest effort to co-operate with your honorable bodies in whatever legislation you may consider best calculated to advance the prosperity of the State—reserving to myself, at all times, that freedom of thought and action which belong to an independent co-ordinate branch of the Government. To such enactments as may have my consci-

entious concurrence, I shall give my prompt approval. To such as I may differ with the sense of the Legislative department upon, I shall not, under a solemn sense of the obligations due to the Constitution and to my constituents, hesitate to assume whatever responsibility I may incur in withholding my approval. Indulging the hope that no such difference of opinion may arise, I cherish the earnest expectation and desire that you may, in harmony and good feeling, enter on the high duties of legislating for a generous people—that your labors may conduce to the public welfare, and secure to yourselves the continued confidence of those who have so honored you—that you may attain an early consummation of your legislative labors—in health return to approving friends, and to the happiness of domestic life.

JOHN A. WINSTON.

Mr. Jones, of Fayette, moved that five thousand copies of the Message be ordered to be printed, which was lost.

Mr. Bradford moved that the printing of two thousand copies be ordered by the Senate, which was carried.

And the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, November 14, 1855.

The Senate met pursuant to adjournment.

The President appointed the following Standing Committees:

On the Judiciary.—Messrs. Acklin, Malone, Felder, Bethea, E. P. Jones, Baker, Hewlett, Taylor and H. C. Jones.

On Banks and Banking.—Messrs. Bradford, Bethea, Powell, Jemison, Thomas Wilson, Abernathy, Patton, Brindley and Hatcher.

On Federal Relations.—Messrs. Felder, Bacon, Bradford, Baker, Jenkins, Kimball, Webb, Nelson and Hewlett.

On Privileges and Elections.—Messrs. Hobdy, Gay, Webb, Searcey and Nelson.

On Propositions and Grievances.—Messrs. Ashley, Brindley, Cocke, E. P. Jones and Clanton.

On Sixteenth Sections.—Messrs. Malone, Thomas Wilson, H. C. Jones, Abernathy and Cocke.

On Education.—Messrs. Taylor, Malone, Patton, Bacon and Peterson.

On Divorce and Alimony.—Messrs. H. C. Jones, Jenkins, Prince, Hobdy and Lamar.

On Retrenchment.—Messrs. Abernathy, Kimball, Hatcher, Taylor and Nelson.

On Accounts and Claims.—Messrs. Thomas, Wilson, Peterson, B. F. Wilson, Webb and Brindley.

On the Penitentiary.—Messrs. Powell, Bradford, Baker, B. F. Wilson and Kimball.

On Agriculture.—Messrs. Jemison, Hobdy, Prince, Searcy and B. F. Wilson.

On County Boundaries.—Messrs. E. P. Jones, Ashley, Lamar, Hewlett and Gay.

On State Printing.—Messrs. Bacon, Clanton, Powell, Ashley and Gay.

On Roads, Bridges and Ferries.—Messrs. Jenkins, Hatcher, Gay, Webb and Searcy.

On the Military.—Messrs. Prince, B. F. Wilson, Hobdy, Hatcher and T. Wilson.

On Indian Expenditures.—Messrs. Cocke, Lamar, Clanton, Ashley and E. P. Jones.

On Enrolled Bills.—Messrs. Kimball, Malone, H. C. Jones, Jenkins and Nelson.

On the State Capitol.—Messrs. Felder, Prince, Searcy, Clanton and Patton.

Message from the House, by Mr. Chapman.

Mr. President:

The House has concurred in the resolution of the Senate appointing a committee on the part of the Senate to report rules for the government of the two Houses when in convention, and has appointed a like committee, consisting of Messrs. Jackson, Cochran and Graham on the part of the House.

Mr. Jones, of Franklin, offered the following preamble and resolutions:

Whereas, there are many reports in circulation going to establish the fact that yellow fever is prevalent in this city, thereby causing uneasiness and anxiety in the minds of members of the General Assembly, and strangers, greatly tending to retard the public business. Justice to ourselves and to the people of Montgomery, renders it necessary that the fact of the case be ascertained, therefore.

Resolved, That the Senate appoint a committee to act in conjunction with a like committee on the part of the House of Representatives, to investigate and report to their respective Houses any facts they may ascertain in relation to the existence of yellow fever in the city, and that said committee be instructed to report to the Senate at 3 o'clock this evening the

result of their investigation ; and that the said committee of the Senate, in the event of the House failing to act in the premises, proceed to investigate the matter, and report the result of their investigation to this body at the time above specified.

Resolved further, That said committee be composed of the physicians of the Senate, and that they be requested to call to their aid the physicians of Montgomery to assist in their labors. Messrs. Kimball, B. F. Wilson and Bacon were appointed as committee on the part of the Senate.

Mr. Cocke introduced a bill to repeal the usury laws.

Mr. Hewlett introduced a bill to change the time of holding courts in the 7th Judicial Circuit of this State, which were severally read the first time and ordered to the second reading.

On motion of

Mr. Patton, the Senate then resolved itself into a committee of the whole on the Governor's message ; Mr. Acklin in the chair, and after some time spent in deliberation, the committee rose, and through Mr. Acklin, reported the following :

Resolved, That so much of the Governor's message as relates to Education, the School bill of the last session, and the University of Alabam, be referred to the committee on Education.

Resolved, That so much as relates to the insane Hospital, Finance, Revenues, and Bonds of this State, be referred to the Committee on Finance.

Resolved, That so much as relates to the State Bank and Branches, be referred to the same on the State Bank and Branches.

Resolved, That so much as relates to the Penitentiary, be referred to the committee on the Penitentiary.

Resolved, That so much as relates to jail-breaking and fugitives, be referred to the committee on the Judiciary.

Resolved, That so much as relates to the line between Alabama and Georgia, be referred to the committee on Federal Relations.

Resolved, That so much as relates to a Geological survey of the State, be referred to the committee on Education.

Resolved, That so much as relates to the survey of Robert T. Scott to make out the register of land sold in this State, be referred to the committee on Finance.

Resolved, that so much as relates to military laws, be referred to the committee on military affairs.

Resolved, That so much as relates to unnecessary legisla-

tion and usury, be referred to the committee on the Judiciary.

Resolved, That so much as relates to the call of a Convention to alter or amend the Constitution, be referred to the committee on the Judiciary.

Resolved, That so much as relates to changing the time of holding the Legislature, be referred to the committee on the Judiciary.

Resolved, That so much as relates to Banks and paper money, be referred to the committee on Banks and Banking.

Resolved, That so much as relates to slavery and Northern agitation, be referred to the committee on Federal Relations.

Which report was concurred in.

Mr. Ashley, from the joint committee appointed to report rules for the government of the two Houses when in convention, reported the rules of last session, which report was concurred in, and one hundred copies ordered to be printed.

Mr. Wilson, of Jackson, presented the petition of Nelson Robinson, which was referred to the committee on Banks and Banking.

Mr. Acklin introduced a bill to incorporate the Huntsville Hotel Company, which was read first and second times and referred to the committee on the Judiciary.

Mr. Patton introduced a bill to incorporate the Florence Synodical Female College.

Mr. Bacon introduced a bill for the relief of the heirs of Wm. H. Atkins, deceased.

Mr. Abernathy introduced a bill for the relief of James B. Martin, of Benton county.

Mr. Gay introduced a bill to burn the notes of the State Bank and Branches.

Mr. Taylor introduced a bill to amend section 32 of the Code of Alabama, which were severally read the first time, and ordered to a second reading.

The Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, November 15, 1855.

The Senate met pursuant to adjournment.

The committee to whom was referred the resolution inquiring into the probable existence of yellow fever in this city, made the following report :

That, aided by the kindness and courtesy of the authorities of the city, the President of the Relief Club, and the resident physicians, the only correct sources of information, take great pleasure in giving the Legislature the assurance that no case of yellow fever now exists, or has originated in this city or its

vicinity within the last twenty days, or likely to, under existing circumstances ; and we have the utmost confidence in believing that should such a catastrophe befall the city, the good citizens and corporate authorities would be foremost in sounding the alarm to your honorable body.

Your committee further believe that with all the nerve which characterizes the chivalarous character of the Montgomeries, they nevertheless would be as much averse to confronting the yellow fever as any member of your honorable body.

Your committee, therefore, reasonably infer that the energy, zeal, and industry with which all classes of citizens pursue their various avocations, is a strong, if not conclusive proof, that the citizens entertain a like opinion with your committee, that no case of yellow fever does now exist, or is likely soon to occur.

Ordered that the report lie on the table.

Mr. Bethea introduced a bill to authorize Railroad Companies to borrow money, and for other purposes, which was read the first and second times, and referred to the committee on the Judiciary.

The following message from the House was delivered to the Senate by Mr. Chapman.

Mr. President :

The House has concurred in the resolutions of the Senate appointing a committee to inquire into the existence of yellow fever in the city of Montgomery. Messrs. Shackelford, Taylor and English were appointed the committee on the part of the House, to act in conjunction with the like committee appointed by the Senate.

The bill to incorporate the Synodical Female College was read second time, and referred to the committee on Education.

The bill for the relief of the heirs of William H. Atkins, deceased.

The bill for the relief of James B. Martin, of Benton county.

The bill to amend section 32 of the Code of Alabama,

And the bill to change the time of holding certain Circuit Courts in the 7th Judicial circuit of this State, were severally read the second time, and referred to the committee on the Judiciary.

The bill to burn the notes of the State Bank and Branches, was read the second time, and referred to the committee on Banks and Banking.

Ur. Cocke introduced a bill to aid the Alabama and Mississippi Rivers Railroad Company, which was read the first and second times, and referred to the committee on Internal Improvements.

Mr. Acklin introduced a bill to incorporate the Winchester and Alabama Railroad Company, which was read the first and second time, and referred to the committee on Internal Improvements.

Mr. Wilson, of Jackson, presented the petition of Joseph Saunders and forty-six others, which was referred to the committee on Privileges and elections.

On motion of Mr. Taylor,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of calling a Convention to review and amend the Constitution of Alabama, with leave to report by bill or otherwise.

Message from the House by Mr. Chapman, informing the Senate that the House has passed a bill to enlarge the winter term of the Chancery Court of 29th District of the Northern Division of the State of Alabama.

The bill was read the first and second time forthwith, and referred to the Judiciary committee.

On motion of Mr. Brindley,

Resolved, That the committee on the Judiciary inquire whether the Constitution of the State, with its several amendments, needs further amendment, and report by bill or otherwise.

And the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, November 16, 1855.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate the biennial report of the Comptroller, which, on motion of

Mr. Patton, was referred to a select committee.

Messrs. Patton, Jemison and Bethea were appointed said committee.

Mr. Ashley presented the petition of James Foshee, of the county of Conecuh, which was referred to the committee on 16th Section.

Mr. Wilson, of Jackson, presented the accounts of Edward Reeves, Jailor of Jackson county, which was referred to the committee on accounts.

Mr. Lamar presented the petition of sundry citizens, in re-

gard to a turnpike road in Marshall county, which was referred to the committee on Roads, Bridges and Ferries.

Mr. Acklin presented the account of Martin Cole, which was referred to the committee on accounts.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to incorporate the Huntsville Hotel Company.

The bill was ordered to a third reading.

Mr. Acklin reported the bill for the relief of James B. Martin, of Benton county, with an amendment, which was adopted and the bill ordered to a third reading.

Mr. Acklin reported favorably on the bill to authorize Rail Road companies to borrow money. The bill was ordered to a third reading.

On motion of Mr. Bradford,

Resolved, That the committee on Judiciary be instructed to enquire into the expediency of establishing an additional circuit in this State, and report by bill or otherwise.

Mr. Malone introduced a bill to repeal section 24 of the charter of the Tennessee and Alabama Central Railroad Company.

Mr. E. P. Jones introduced a bill to prevent Courts of Probate appointing persons related to the Judge of Probate, administrators and guardians in certain cases.

Mr. Bacon introduced a bill to amend sections 2175 and 2182 of the Code.

Mr. Nelson introduced a bill to regulate proceedings before Justices of the Peace.

Mr. Hobdy also introduced a bill to regulate the time of holding the Circuit Court in the county of Pike, which were severally read the first time and ordered to a second reading.

On motion of Mr. Malone,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of changing the time of the meeting of the General Assembly from biennial to annual sessions, with leave to report by bill or otherwise.

Mr. Nelson introduced a bill for the relief of Barley, of Shelby county, which was read first time and ordered to a second reading.

Ordered that Mr. Peterson be added to the committee on Agriculture, and Mr. Hobdy to the committee on the Penitentiary.

A message from the Governor, by his private Secretary.

EXECUTIVE DEPARTMENT, November 15, 1855.

Hon. B. C. Yancey, President of the Senate:

Sir—I have received the resignation of the Hon. A. J. Walker.

Mr. Felder introduced a bill to authorize the pay of certain jurors in the counties of Autauga and Montgomery.

Mr. Bethea introduced a bill to renew the loan to the Mobile and Ohio Railroad Company, which were severally read the first time and ordered to a second reading.

Message from the House through Mr. Chapman.

Mr. President:

The House of Representatives has adopted the following resolutions:

Resolved, That with the concurrence of the Senate, the two Houses will meet in the Hall of the House on Saturday next, at 11 o'clock, A. M., for the purpose of counting the votes and declaring the result of the election of Governor, holden on the first Monday in August last.

Resolved, That with the concurrence of the Senate, the two Houses will meet in the Hall of the House on Monday next, at 12 o'clock, M., for the purpose of electing a Senator to the Congress of the United States, to supply the vacancy occasioned by the expiration of the time of service of the Hon. Benj. Fitzpatrick.

The resolutions were severally concurred in by the Senate.

Mr. Acklin, from the Judiciary committee, reported favorably upon the bill to enlarge the winter term of the Chancery Court of the 29th District of the Northern Division of the State of Alabama.

The bill was read the third time and passed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, November 17, 1855.

Senate met pursuant to adjournment.

Mr. Patton, from the Select Committee, to whom was referred the biennial report of the Comptroller, made the following report:

That the committee is pleased to say that, from the able and succinct manner in which the Comptroller has submitted his biennial report and tabular statement to the General Assembly, they find no difficulty in determining the portion of said report necessary to be printed.

They would first recommend the printing of the report

showing the state of the Treasury, tax receipts, assessments, tract books, two and three per cent. fund, common schools and educational fund, Mobile and Ohio Railroad loan, Insane Hospital, Bank of Montgomery, and the financial prosperity of the State.

They would next recommend the printing of the tabular statement showing the condition of the State Treasury on the 30th day of September, 1855, as to be found on pages 12 and 13.

The statement showing the disbursement of the contingent fund, as found on pages 5 and 6.

The recapitulation of statements showing the total State tax, slave fund, licenses, cash payments, insolvencies, milcages, and commissioners for the years 1853 and 1854; and also the tabular statement, showing the aggregate of each item of taxation in the State, and the taxes thereon for the years 1853 and 1854, as found on the last two pages of the tabular statement.

Your committee would respectfully suggest the printing of one thousand copies of the matter recommended in this report. (By R. M. Patton, Chairman.)

The report was concurred in.

Mr. Taylor introduced a bill to authorize the Court of County Commissioners of Greene county to appropriate a portion of the fine and forfeiture fund to the erection of a fire proof office for the Probate Court of said county, which was read first time and ordered to a second reading.

On motion of Mr. Hobdy,

Resolved, That a committee, to consist of one from each Judicial Circuit, be appointed to inquire into the expediency and propriety of re-organizing the Judicial Circuits so as to equalize the same, and report by bill or otherwise; whereupon Messrs. Hobdy, Powell, Ashley, Taylor, Malone, Acklin, Bethea, E. P. Jones and Baker were appointed said committee.

On motion of Mr. Patton,

Resolved, That a committee of three be appointed to wait upon the Clergymen of this city, and request them to be in attendance each morning during this session and open the services of the Senate by prayers; whereupon Messas Patton, Taylor and Bethea were appointed said committee.

Mr. Searcy introduce a bill to repeal an act to fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties.

Mr. Felder introduced a bill to amend section 391 of the

Code, which were severally read the first time and ordered to a second reading.

Mr. Hewlett introduced a bill to regulate the time for the meeting of the Legislature of the State of Alabama, which was read the first and second time, and referred to the Judiciary committee.

Mr. Felder introduced a bill to prevent the destruction of fish, which was read the first time and ordered to a 2d reading.

Mr. Jones, of Franklin, moved to reconsider the vote concurring in the resolution of the House, proposing to bring on the election of U. S. Senator on Monday next.

A message was received from the House of Representatives, inviting the Senate into the Hall of the House for the purpose of counting the votes and declaring the result of the election for Governor.

The Senate repaired to the Hall of the House, and the Speaker of the House of Representatives, according to the requirements of the Constitution, proceeded to open and publish the returns of the election for Governor in the presence of both Houses of the General assembly.

The result was as follows :

For John A. Winston,	-	-	-	-	42,238
“ George D. Shortridge,	-	-	-	-	30,639
“ Mr. Gunn,	-	-	-	-	1
“ Mr. Harris,	-	-	-	-	1

Mr. John A. Winston, having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Governor of the State of Alabama, for the term prescribed by the constitution.

The Senate returned to its chamber and resumed the consideration of the motion of Mr. Jones, of Franklin, to reconsider the vote of the Senate concurring in the resolution of the House, proposing to bring on the election of United States Senator on Monday next at 12 o'clock.

The Senate refused to reconsider.

Those who voted in the affirmative were :

Messrs. President, Ashley, Bethea, Cock, Hewlett, Jemison, Jones, of Franklin, Kimball, Peterson, Taylor and Webb—11.

Negative—Messrs. Abernathy, Acklin, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, Jones, of Fayette, Wilson, of Pickens, Lamar, Malone, Nelson, Patton, Powell, Wilson, of Jackson—16.

The Senate adjourned until Monday morning, 10 o'clock.

MONDAY, November 19, 1855.

The Senate met pursuant to adjournment.

Mr. Jones, of Fayette, presented the petition of Mark Russey and others of Fayette, which was referred to the committee on Propositions and Grievances.

Mr. Jenkins presented the petition of Wash. H. Aldridge, which was referred to the committee on Finance.

Message from the House by Mr. Chapman.

Mr. President :

The House has adopted the following resolution :

Resolved, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, to inform the Hon. John A. Winston of his election to the office of Governor, and to enquire when it will be his pleasure to take the oath of office.

Messrs. Jackson, ——— and Williams were appointed said committee on the part of the House.

The House has originated and passed the following bills :

A bill respecting the Mobile Bay Road Company.

A bill to change the pay of Jurors of Butler county.

A bill to repeal a special act passed for the payment of Jurors, and approved the 18th of January, 1845, so far as it relates to Blount county.

A bill for the relief of the tax collector and tax assessor and Probate Judge of Jefferson county.

A bill to allow the clerk of the Circuit Court of Perry county longer time within which to issue executions.

A bill to repeal section 930 of the Code.

A bill to amend the charter of the town of Tuskegee.

A bill to change the time of holding of the meeting of General Assembly.

A bill to extend the time of holding the Circuit Court of the county of Morgan, and to change the time of holding the same in the county of Hancock.

A bill to repeal an act to authorize the apportioners of the different districts of Pickens county to appoint the overseers, and for other purposes therein named.

Mr. Taylor, from the committee on Education, to whom was referred the bill to incorporate the Florence Synodical Female College, reported that they had found the same unobjectionable in all its provisions, and recommend its passage without amendment, which report was concurred in, and the bill ordered to a third reading.

Mr. Patton, from the select committee appointed to wait

upon the clergymen of this city and request them to open the sessions of the Senate with prayer, reported that he had called on the Rev. J. M. Mitchell, Rev. Mr. Tichenor, Rev. Mr. Blue, Rev. Mr. Findley, Rev. Mr. Norton and Rev. F. S. B. Shaver, all of whom expressed their gratification that such order had been made by the Senate, and that it will afford them pleasure to conform to the will of the Senate, which report was concurred in.

The bill from the House, for the relief of John Milford, census taker of Perry county, and for other purposes, was read the first and second time forthwith, and referred to a select committee consisting of Messrs. Cocke, Malone and H. C. Jones.

The resolution of the House, proposing to appoint a joint committee of three on the part of each House, to wait on the Hon. John A. Winston and inform him of his election to the office of Governor, and enquire when it will be his pleasure to take the oath of office, was concurred in, and Messrs. Acklin, Jemison and Abernathy were appointed said committee on the part of the Senate.

Mr. Malone introduced joint resolutions, proposing a call of a convention to alter and reform the Constitution of the State of Alabama, which were read the first and second times forthwith, and referred to the committee on the Judiciary.

Mr. Jones, of Fayette, introduced a bill to create the office of Assistant County Surveyor for the county of Marion.

Mr. Beathea introduced a bill in respect to the guardianship of the property of non-resident minors.

Mr. Jones, of Fayette, introduced a bill to fix the pay of Probate Judges and Sheriffs of Fayette county.

Mr. Felder introduced a bill to allow the Judge of Probate of Montgomery county to appoint a clerk, which were severally read the first time and ordered to a second reading.

On motion of Mr. Powell—

Resolved, That the Judiciary committee be instructed to enquire into the expediency of making such change in the law of garnishments as will enable parties garnished to answer in the counties of their residence.

On motion of Mr. Patton—

Resolved, That the President of the Senate appoint a committee of one from each Judicial circuit, whose duty it shall be to apportion Representatives and Senators among the several counties in this State according to the census of 1855.

The House bill to allow the Clerk of the Circuit Court of

Perry longer time within which to issue executions.

The House bill to authorize the apportioners of the different districts of Pickens county to appoint the overseers and for other purposes therein named.

The House bill to make Sarah Ann Clark, of the county of Morgan, a free dealer.

The House bill to extend the time of holding the Circuit Court of the county of Morgan, and to change the time of holding the same in the county of Hancock.

The House bill to repeal section 930 of the Code, and the House bill to amend the charter of the town of Tuskegee, were severally read the first time and ordered to a second reading.

The House bill to change the time of the meeting of the General Assembly, was read the first and second times forthwith, and referred to the committee on the Judiciary.

The House bill respecting the Mobile Bay Road Company.

The House bill to repeal a special act passed for the payment of Jurors and approved the 18th day of January, 1854, as far as relates to Blount county, were severally read the first time and ordered to a second reading.

The bill to renew the loan to the Mobile and Ohio Railroad Company was read the second time and referred to the committee on Finance.

The bill to repeal section 24 of the charter of the Tennessee and Alabama Central Railroad Company.

The bill to prevent courts of Probate appointing persons related to the Judge of Probate, administrators and guardians in certain cases.

The bill to amend section 2175 and 2182 of the Code.

The bill to regulate proceedings before Justices of the Peace; and

The bill to regulate the time of holding the Circuit Court in the county of Pike, were severally read the second time and referred to the committee on the Judiciary.

The bill for the relief of Alexander Posey, of Shelby county, was read the second time and referred to the committee on Propositions and Grievances.

The bill for the relief of Edmond Baily, of Shelby county, was read the second time.

Mr. Nelson moved to amend the bill by way of substitute, was adopted and ordered to be engrossed for a third reading.

The bill to authorize the pay of jurors in certain cases in the counties of Autauga and Montgomery, was read the second time.

Mr. Nelson moved to amend by adding the county of Shelby.

Mr. Jenkins moved to amend by adding the counties of Monroe and Clarke, which was carried, and the bill ordered to be engrossed for a third reading.

The bill to prevent the destruction of fish was read the second time and referred to the committee on Propositions and Grievances.

The bill to repeal an act to fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties, was read the second time, and referred to the committee on the Judiciary.

The bill to amend section 397 of the Code, was read the second time, and referred to the committee on finance.

The bill to authorize the court of County Commissioners of Greene county to appropriate a portion of the fine and forfeiture fund to the erection of a fire proof office for the Probate Court of said county, was read the second time, and ordered to be engrossed for a third reading.

The bill to authorize James B. Martin to practice law in the several Courts of this State, was read the third time and passed.

Message from the House through Mr. Chapman.

Mr. President :

The hour of 12 o'clock having arrived, I am instructed by the House to invite the Senate into the Hall of the House for the purpose of electing a United States Senator.

The Senate then repaired to the Hall of the House, and the two Houses proceeded to the election of a Senator to the Congress of the United States, to fill the vacancy occasioned by the expiration of the term of service of the Hon. Benjamin Fitzpatrick.

Hon. Benjamin Fitzpatrick, of Autauga and Hon. Luke Pryor, of Limestone, being in nomination.

Those who voted for Mr. Fitzpatrick, are Messrs. President, Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson, Wilson, of Pickens, of the Senate.—20. Of the House, Messrs. Speaker, Acree, Alford, Beavers, Beck, Bishop, Bradley, Brown, of Marion, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Garlick, Goode, Graham, Haden, Hancock, Hobbs, Jackson, Jones, King, Kirkland, Larkins, Little, Locket, Lynch, Manasco, Maples, McClanahan, McConnel, McMullen, Miligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauder-

dale, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Cherokee, Ward of Dale, Williams and Winston.—59—20: 79.

Those who voted for Mr. Pryor, are Messrs. Ashley, Baker, Bethea, Cocke, Hatcher, Jemison, Kimble, Peterson, Taylor, Webb, of the Senate.—10. Of the House, Messrs. Barry, Battle, Bernhard, Belser, Brown, of Tuscaloosa, Byrne, Carpenter, Clanton, of Montgomery, Clanton, of Sumter, Crawford, Cunningham, Echols, English, Fowler, Galloway, Gilmore, Howard, Jay, McBride, Miree, Moorer, Nicholson, Odom, Owen, Powell, Reid, Smith, of Mobile, Sykes, Thornton, Thorn, White, Withers, Wrightand Woolsey.—35—10: 45.

Mr. Fitzpatrick having received a majority of the whole number of votes given,

Mr. Speaker declared him duly and constitutionally elected Senator in the Congress of the United States for the term prescribed by law.

The Senate returned to its chamber.

Mr. Cocke, from the Select Committee, to whom was referred the bill for the relief of John Milford, census taker of Perry county, and for other purposes, reported the same with an amendment, by way of substitute, which was adopted.

The bill was read the third time and passed.

Mr. Jemison submitted the following communication :

To the President and members of the Senate of the General Assembly, of the State of Alabama :

Gentlemen :

By a resolution of the Executive committee of the Alabama State Agricultural Society, unanimously adopted at a meeting held at the Society's Industrial Palace, on the 17th instant, it is made my duty to tender to your honorable body, with its officers individually and collectively, the freedom of their grounds during the Fair, and of specially inviting your honorable body and its officers to attend the Society's Fair on Wednesday morning, when the annual address will be delivered.

I have the Honor to be with high consideration,

Your obedient servant,

[Signed]

ISAAC CROOM,
President A. S. A. S.

Montgomery, Nov. 19, 1855.

The invitation was accepted, and Messrs. Jemison, Malone and Hewlett were appointed a committee to notify the President of the Society of said acceptance.

Messrs. Patton, Jemison and Brindley were appointed the committee on the part of the Senate, to examine the offices of Comptroller and State Treasurer.

The Senate adjourned until to-morrow morning, 10 o'clock.

November 20, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

A message from the House by Mr. Chapman.

Mr. President:

The House has originated and passed bills of the following titles:

A bill to repeal an act requiring Justices of the Peace of Lowndes county, in their respective election beats, to act as apportioners and supervisors of Roads and for other purposes.

A bill to repeal an act therein named.

A bill for the relief of Census takers.

A bill to extend the time of holding the Circuit Courts in the county of Greene.

A bill to repeal an act therein named, and for other purposes.

A bill to repeal an act therein named.

Mr. President laid before the Senate the report of John Whiting, Commissioner and Trustee, showing the condition of the affairs of the State Bank and Branches.

Mr. President announced the committee raised under the resolution of yesterday, whose duty it shall be to apportion Representatives and Senators among the several counties of this State, according to the census of 1855.

Messrs. Patton, Cock, Webb, Jemison, Thomas Wilson, Jenkins, Hewlett, Felder and Bradford.

On motion of Mr. Jemison—

Resolved, That with the concurrence of the House of Representatives, the Report of John Whiting, Commissioner and Trustee of the State Bank and Branches, be referred to a select joint committee, to consist of three on the part of each House, with leave to report by bill or otherwise.

Messrs. Jemison, Bacon and H. C. Jones were appointed said committee on the part of the Senate.

Mr. Felder presented the petition of Brown & Underwood, in regard to the Public Printing, which was referred to the committee on Public Printing.

Mr. Peterson presented the petition of the citizens of Eufaula, in regard to the charter of said town, which was referred to the committee on the Judiciary.

Mr. Acklin, from the Judiciary committee, to whom was re-

ferred a resolution to enquire into the expediency of establishing an additional circuit in this State, reported the same to the Senate, and recommended that the resolution be referred to the special committee raised for the purpose of re-organising the Judicial circuits.

The report was concurred in, and the resolution so referred.

Mr. Acklin, from the same Committee, to whom was referred the bill to change the time of holding certain Circuit Courts in the Seventh Judicial Circuit of this State, reported adversely on said bill.

The report and bill were laid on the table.

Mr. Acklin, from the same committee, to whom was referred a bill to repeal the usury laws of this State, and also that portion of the Governor's message on the same subject, reported that it is inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Acklin, from the Judiciary committee, to whom was referred the bill for the relief of the heirs of Wm. Adkins, deceased, reported a substitute for the original, which was adopted and the bill ordered to be engrossed.

Mr. Acklin, from the same committee, to whom was referred a resolution enquiring into the expediency of changing the time of the meeting of the Legislature from biennial to annual sessions ;

Also, so much of the Governor's message as relates to the same subject ;

Also, a bill to regulate the time of the meeting of the Legislature ;

And, also, a bill to amend section 32 of the Code ;

Reported a substitute, which was adopted, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Jemison—

Resolved, That as a means to carry out the recommendation of his Excellency in his late biennial message on the subject of local legislation, that committees, whether standing or special, be instructed to report against all bills and propositions committed to them, when the object of the same can be accomplished or attained under provisions of the Code.

Mr. Malone offered the following resolution :

Resolved, That until 12 o'clock of the day succeeding the passage of any bill or joint resolution, a motion to reconsider shall be in order, and no such bill or resolution shall be sent to the House of Representatives until after the time for reconsideration shall have elapsed, unless by consent of two-thirds of the Senate.

Which lies over one day.

Mr. Felder introduced a bill to authorize the Secretary of State to subscribe for ninety-eight copies of the new map of Alabama, about to be published by D. H. Cram, which was read the first and second times and referred to the committee on Education.

Mr. Taylor introduced a bill to regulate the fees of Sheriffs and Coroners in certain cases.

Mr. Taylor also introduced a bill for the relief of Patrick May, administrator of John E. Lipscomb, deceased.

Mr. Hobdy introduced a bill to increase the amount of tax on peddling in the county of Pike.

Mr. Peterson introduced a bill to alter and amend the charter of the town of Eufaula.

Mr. Jones, of Franklin, introduced a bill to repeal all laws and parts of laws incorporating the town of Russelville, in the county of Franklin.

Mr. Cocke introduced a bill to affix the penalty of issuing marriage licenses illegally.

Which were severally read the first time and ordered to a second reading.

Ordered that the committee on the part of the Senate, to whom was referred the report of John Whiting, Commissioner and Trustee, &c., be instructed to have two thousand copies of said report printed for the use of the Senate.

Mr. Powell, introduced a bill for the relief of E. C. Bullock, Jefferson Buford and John H. Dent, from the pains and penalties of the dueling act, which was read the first time and ordered to a second reading.

The Senate bills to incorporate the Huntsville Hotel Company;

To enable Railroad companies to borrow money, and for other purposes;

To authorize the pay of Jurors in the counties of Autauga, Montgomery and other counties;

To incorporate the Florence Synodical Female College;

To authorize the Court of County Commissioners of Greene county, to appropriate a portion of the fine and forfeiture fund to the erection of a fire proof office for the Probate court of said county,

Were severally read the third time and passed.

The bill to create the office of Assistant County Surveyor, for the county of Marion, was read the second time and ordered to be engrossed for a third reading.

The bill in respect to the guardianship of property of non-resident minors ; and

The bill to allow the Judge of Probate of *Montgomery* county, to appoint a clerk ;

Were severally read the second time, and referred to the committee on the Judiciary.

The bill to fix the pay of Probate Judges and Sheriffs of *Fayette* county, was read the second time, and ordered to be engrossed for a third reading.

The House bill to repeal an act entitled an act to authorize the apportioners of the different districts of *Pickens* county to appoint the overseers, &c., was read the second time and ordered to a third reading.

The House bill to make *Sarah Ann Clarke*, of the county of *Morgan*, a free dealer, was read the second time, and referred to the committee on the Judiciary.

The House bill to extend the time of holding the Circuit Court in the county of *Morgan*, and to change the time of holding the same in the county of *Hancock*, was read the second time and referred to the committee on the Judiciary.

Mr. Jemison, from the committee on Agriculture, to whom was referred the bill to repeal section 930 of the Code, reported that it was inexpedient to pass the bill.

The report and bill were laid on the table.

The bill from the House to repeal section 930 of the Code, having been laid on the table, was, on motion of *Mr. Cocke*, taken from the table, and read the second time.

Mr. Taylor, moved to refer the bill to the committee on the Judiciary, which was lost.

Mr. Bethea, moved to adjourn until Thursday morning 10 o'clock, which was lost, yeas 13, nays 17.

Yeas—Messrs. President, *Bethea*, *Brindley*, *Gay*, *Hewlett*, *Jemison*, *Jones of Franklin*, *Kimbal*, *Lamar*, *Malone*, *Powell*, *Taylor* and *Wilson of Pickens*.—13.

Nays—Messrs. *Abernathy*, *Acklin*, *Ashley*, *Bacon*, *Baker*, *Bradford*, *Cocke*, *Felder*, *Hatcher*, *Hobdy*, *Jenkins*, *Nelson*, *Patton*, *Peterson*, *Searcy*, *Webb* and *Wilson of Jackson*.—17.

The bill was ordered to a third reading, and the Senate adjourned until Thursday morning 10 o'clock.

THURSDAY, November 22d. 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. *Mr. Shaver*.

Mr. Patton, from the committee on Internal Improvements, to whom was referred the bill to incorporate the *Winchester*-

and Alabama Railroad Company, reported the same to the Senate with amendments, which were adopted and the bill ordered to be engrossed for a third reading.

Mr. Bethea, from the committee on Finance, to whom was referred the bill to renew the loan to the Mobile and Ohio Railroad Company, reported it back to the Senate and recommended its passage.

It was made the special order for Monday next.

Mr. Malone, introduced a bill to authorize the Court of County Commissioners of Limestone county, to subscribe to the Capitol Stock of the Tennessee and Alabama Central Railroad Company.

Mr. Cocke, introduced a bill to incorporate the Marion Insurance Trust Company, which were severally read the first and second times and referred to the committee on the Judiciary.

Mr. Lamar, introduced a bill to amend an act entitled an act, to incorporate the Tennessee and Coosa Railroad Company, which was read the first and second times and referred to the committee on Internal Improvements.

Mr. Searcy, introduced a bill to define more perfectly the duties of Tax Assessors in the counties of Henry and Dale, which was read the first time and ordered to a second reading.

Mr. Acklin, from the Joint committee of the two Houses, raised for the purpose of waiting on his Excellency, the Governor elect, to inform him of his election and enquire at what time it would suit his convenience to take the oath of office, reported that they had performed that duty, and received for answer, that it will suit his convenience to have the oath of office administered on Thursday, the 20th of December, at the hour of 12 o'clock, of that day.

On motion of Mr. Taylor,

Resolved, That the committee on Federal Relations, be, and they are hereby instructed to enquire into the expediency of prohibiting by penal laws, the introduction of foreign paupers and criminals into the State of Alabama, with leave to report by bill or otherwise, and the Senate adjourned until tomorrow morning 10 o'clock.

FRIDAY, November 23, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Acklin, presented the petition of 600 citizens of Limestone county, which was referred to the Judiciary committee.

Mr. Thomas Wilson, presented the account of Nathanie Hillion, of Jackson county, which was referred to the committee on Propositions and Grievances.

Mr. Acklin, presented a petition of the Stockholders of the Memphis and Charleston Railroad Company, which was referred to the committee on Internal Improvements.

Mr. Wilson of Jackson, introduced a bill to aid the Memphis and Charleston Railroad Company, which was read the first and second times and referred to the committee on Internal Improvements.

The bill to authorize the apportioners of the different Districts of Pickens county, to appoint the overseers and for other purposes therein named ;

The bill to repeal Section 930 of the Code ;

Were severally read third time and passed.

The bill establishing annual Sessions of the Legislature of the State, fixing the commencement and limiting the term thereof, was read the third time and made the special order for Tuesday next, 12 o'clock.

Message from the House by Mr. Chapman.

Mr. President :

The House has adopted the following resolution :

Resolved, (the Senate concurring,) That a Joint committee consisting of three from each House, be appointed, to whom shall be referred the report of the Commissioners and Trustee of the State Bank and Branches.

The House has originated and passed bills of the following titles :

A bill to locate permanently the seat of Justice of Marion county.

A bill to compensate Tales Jurors in certain cases.

A bill authorizing the Clerk of the city Court of Mobile, to issue attachments.

A bill to declare Mary J. Ousley, a free dealer.

A bill to authorize the administrator of Jesse Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months.

A bill to divorce Samuel M. Doolittle from his wife Sarah O. Doolittle.

A bill to divorce certain persons therein named.

A bill to make Martha P. Iruntruder, of Coffee county, a free dealer.

A bill to make Frances C. Berryman, of the county of Lawrence, a free dealer.

A bill to incorporate the Huntsville Hotel Company.

A bill to change the time of holding the Circuit Courts in the counties of *Marshall* and *Jackson*.

A bill to divorce *Gabriel Lovvom* from his wife *Mary Lovvom*.

A bill to amend the several acts incorporating the town of *Tuscumbia*, in *Franklin* county, approved February, 1854.

A bill constituting *George M. Rogers*, a liner &c.

A bill for the preservation of Game in the county of *Greene*.

A bill to authorize the Sheriff of *Blount* county, to execute constable duties in civil cases.

A bill to regulate the summoning of Jurors in the county of *Marshall*.

A bill to declare *Lewis D French* and *Wm. S. Walker*, citizens of *Marshall* county, liners and other purposes.

A bill to amend in part the act incorporating the *Tennessee and Alabama Central Railroad Company*, Approved December 19, 1853.

A bill to fix the pay of Judges and Sheriffs *Hancock* county.

A bill for the relief of *John Wilson* and *Charles P. Samuel*, of *Talladega* county.

The bills from the House were severally read the first time and ordered to a second reading.

Mr. Acklin, presented the memorial of sundry citizens of *Limestone* county, which was referred to the committee on the Judiciary.

Mr. Wilson of *Jackson*, presented the account of *Nathaniel Hillion*, of *Jackson* county, which was referred to the committee on Propositions and Grievances.

Mr. Patton, presented a communication from the Stockholders of the *Memphis and Charleston Railroad Company*, which was referred to the committee on Internal Improvements.

The bill from the House to repeal an act entitled an act, to authorize the apportioners of the different Districts in *Pickens* county, to appoint overseers and for other purposes ;

And the House bill to repeal Section 930 of the Code :

Were severally read the third time and passed.

The engrossed bill establishing Annual Sessions of the Legislature of the State of *Alabama*, fixing the commencement and limiting the term thereof, was read the third time and made the special order for Tuesday 12 o'clock.

The engrossed bill authorizing the Probate Court of *Cham-*

bers, to grant letters of Administration on the estate of W. H. Adkins, deceased, late of the county of Tallapoosa.

The engrossed bill to create the office of Assistant County Surveyor in the county of Marion.

The engrossed bill to fix the pay of Judges of Probate and Sheriffs of Fayette county, were severally read the third time and passed.

The engrossed bill for the relief of Edward Baily, of Shelby county, was read the third time.

Mr. Nelson, moved to amend by engrossed ryder as follows :

That the provisions of this act shall apply to A. M. Sadler, census taker of Jefferson county.

The bill to regulate the fees of Sheriffs and Coroners in certain cases, was read the second time and referred to the Judiciary committee.

The House bill to change the pay of Jurors of Butler county.

The House bill to repeal an act passed for the payment of Jurors and approved the 18th day of January, 1845, so far as relates to Blount county, were severally read the second time and ordered to a third reading.

The bill from the House to incorporate the Huntsville Hotel Company ;

And the bill to authorize the Clerk of city Court of Mobile, to issue attachments, were severally read the first, second and third time and passed.

The bill for the relief of the Tax Assessor, Tax Collector and Probate Judge of Jefferson county, was read second time and referred to committee on Finance.

The bill respecting the Mobile Bay Road Company.

The bill to amend the Charter of the town of Tuskegee.

Were severally read the second time and ordered to a third reading.

The bill to allow the Clerk of the Circuit Court of Perry county, longer time within which to issue executions, was read second and third time and passed.

The bill to amend the Charter of the town of Eufaula, was read second time and referred to Judiciary committee.

The bill to repeal all laws and parts of laws, incorporating the town of Russelville, in the county of Franklin ;

And the bill to increase the amount of Tax on peddling in the county of Pike ;

Were read the second time and ordered to be engrossed for a third reading.

The bill to affix the penalty for issuing marriage licences illegally, was read the second time.

Mr. Brindley, moved to amend by affixing additional sections, which together with the bill was referred to the Judiciary committee.

The bill for the relief of E. C. Bullock, Jefferson Buford and John H. Dent, from the pain and penalties of the duelling act, was read the second time and ordered to the Judiciary committee.

The bill to define more perfectly the duties of Tax Assessors in the counties of Henry and Dale, was read second time and referred to committee on Finance.

The bill for the relief of Patrick May, Administrator of John E. Lipscomb, deceased, was read second time and referred to Judiciary committee.

The House bill to repeal an act requiring Justices of the Peace of Lowndes county, in their respective election beats, to act as apportioners and supervisors of roads and for other purposes.

The House bill to repeal a certain act therein named.

The House bill to extend the time of holding the Circuit Courts of the county of Greene.

The House bill to provide for the relief of census takers.

Were severally read the first time and ordered to a second reading.

On motion of

Mr. Malone, the following resolution was adopted as a vote of the Senate.

Resolved, That until 12 o'clock of the day succeeding the passage of any bill or joint resolution, a motion to reconsider shall be in order, and no such bill or resolution shall be sent to the House of Representatives, until after the time for reconsideration shall have elapsed unless by consent of two thirds of the Senate.

Mr. Baker, offered the following resolution :

Resolved, That the committee on Federal Relations, be, and they are hereby instructed to inquire into the expediency of memorializing the Congress of the United States, to pass such laws as may be necessary to prevent the evils arising from the present redundant foreign emigration into this country.

And the Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, November 24, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Blue.

Mr. Hatcher presented a petition from the citizens of Selma, asking for the location of a Bank at that place, which was referred to the committee on Banks and Banking.

Mr. Patton, from the committee on Internal Improvements and Navigation, to whom was referred the bill to amend an act entitled an act to incorporate the Tennessee & Coosa Railroad Company, reported said bill, and recommended its passage.

The bill was ordered to a third reading.

Mr. Acklin, from the Judiciary committee, reported adversely on the bill to prevent Courts of Probate appointing persons, related to the Judge of Probate, administrators and guardians in certain cases.

The report was concurred in.

Mr. Acklin, from the committee on the Judiciary, reported the bill to alter and amend the charter of the town of Eufaula, in Barbour county, which was concurred in, and the bill ordered to a third reading.

Mr. Baker, from the same committee, reported adversely to the bill to amend section 2175 and 2182 of the Code.

The report was concurred in.

Mr. Felder, from the same committee, reported favorably on the bill to fix the pay of the Judges of Probate and Sheriffs of Henry and Dale counties.

The bill was ordered to a third reading.

Mr. Jones, of Franklin, from the committee on the Judiciary, to whom was referred the resolution, instructing said committee to enquire into the expediency of making such change in the law of garnishment as will enable parties garnisheed, to answer in the counties of their residence, reported that it is inexpedient to alter the law as proposed in the resolution. Report concurred in.

Mr. Wilson, of Jackson, reported favorably on the account of Edward Rieves, Jailor of Jackson county, and recommended the passage of a bill making an appropriation to pay Edward Rieves, Jailor of Jackson county, for victualing a prisoner confined in the jail of said county.

The bill was read the first time, and ordered to a second reading.

Mr. Acklin, from the Judiciary committee, to which was referred the bill to regulate proceedings before Justices of the

Peace, reported it as inexpedient to pass said bill, which report was concurred in.

On motion of Mr. Hewlett :

Resolved, That, with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives, at the hour of 12 o'clock to-day, for the purpose of electing a Secretary of State, a Comptroller and State Treasurer.

Which was laid on the table.

Mr. Acklin, from the Judiciary committee, to which was referred the engrossed House bill, to make Sarah Ann Clarke a free dealer, reported that they had the same under consideration, and that it would be inexpedient to pass the bill ; they were constrained by the force of a restrictive resolution by the Senate to make this report otherwise from the accompanying evidence, they would have recommenced its passage.

The report was not concurred in, and the bill ordered to a third reading.

Yeas—Messrs. Abernathy, Bacon, Baker, Bradford, Bethea, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Malone, Nelson, Peterson, Powell, Prince, Searcy, Taylor, Wilson, of Jackson—20.

Nays—Messrs. President, Ashley, Brindley, Cocke, Patton, Wilson, of Pickens—6.

Message from the House by Mr. Chapman.

Mr. President :

The following gentlemen have been appointed a like committee, on the part of the House, to act with a like committee on the part of the Senate, to take under consideration the report of the Commissioner and Trustee of State Bank and Branches, and report thereon :

Messrs. Curry, Battle and Reid.

The House has adopted the following resolution and amendments :

Resolved, That, with the concurrence of the Senate, the two Houses will meet in joint convention on Wednesday next, 28th instant, at 11 o'clock, A. M., and at the same hour, from day to day thereafter, for the purpose of going into the elections generally, in the order in which they may hereafter be designated ; amended as follows :

That the elections shall be in the following order :

1st. Chancellor for the Northern Chancery Division.

2d. Secretary of State.

3d. Treasurer.

4th. Comptroller.

5th. Attorney General and Solicitors, in the order of the Circuits.

The House has originated and passed bills of the following titles :

A bill to divorce Martha C. Cowart from her husband Wiley G. Cowart, and other persons therein named.

A bill to make Martha Callahan, of the county of Lawrence, a free dealer.

A bill to regulate the drawing and paying of the Grand and Petit Jurors of the county of Hancock.

A bill to fix the pay of Judges and Sheriffs of Fayette county.

A bill to regulate patrol duty in precinct No. 3, in the county of Tuskaloosa.

A bill to make Elizabeth Caroline Bell, wife of Jos. D. Bell, of the county of Tuskaloosa, a free dealer.

A bill to make Frances Smith, of the county of Tallapoosa, a free dealer.

Mr. Patton submitted the report of the Superintendent of Education, which was referred to the committee on Education, and two thousand copies ordered to be printed for the use of the Senate.

Mr. Powell introduced a bill for the relief of John Pate and William J. Morris, which was read first and second times, which, together with petitions on the same subject, was referred to the committee on Propositions and Grievances.

Mr. Bacon introduced a bill to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy, in Chambers county, which was read first and second times, and referred, with petition on the same subject, to the committee on Propositions and Grievances.

Mr. Cocke offered the following resolution :

Resolved, That the resolution, passed during this session, instructing the committees to report against all bills proposing to legislate on matters already provided for by law, be, and the same is hereby repealed.

Which was lost.

Mr. President laid before the Senate the report of the Adjutant and Inspector General, which was referred to the committee on the Military.

Mr. Searcy introduced a bill to allow the clerk of the Circuit Court of Henry and Dale counties, longer time within which to issue executions, which was read first time, and ordered to a second reading.

Mr. Patton presented the statement of Bates and Lucas, in

regard to the Public printing, which was referred to the committee on Printing.

The resolution from the House, this morning, proposing to bring on certain elections on Wednesday next, was taken up by the Senate, and postponed until Tuesday next, 11 o'clock, A. M.

Ordered that H. C. Jones be added to the committee appointed to examine the offices of the Comptroller and Treasurer.

The Senate proceeded to the consideration of the resolution, heretofore offered by Mr. Baker, in regard to foreign emigration, and after some time spent in discussion thereon, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, November 26, 1855.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed bills of the following titles :

A bill to extend the jurisdiction of the Judges of the Probate Court of Greene county.

A bill to cause the county Treasurer and county Surveyor of Franklin county, to be elected by the people.

A bill to change section 985 of the Code.

A bill to regulate the fees of the Judge of the Probate court of the county of Greene.

A bill relating to the burnt records of Butler county.

A bill to authorize the qualified voters of Tuskalooza, to elect the Treasurer of said county.

Mr. Acklin presented the petition of the Trustees of Bascom Institute, at Huntsville, which was referred to the committee on Education.

Mr. Acklin, from the committee on the Judiciary, to which was referred the bill to affix the penalty of issuing marriage licenses illegally, reported that it was inexpedient to pass said bill, or legislate upon the subject, which report was concurred in.

Mr. Acklin, from the same committee, to which was referred the bill for the relief of E. C. Bullock, Jefferson Buford and John H. Dent, from the pains and penalties of the dueling act, reported that it was inexpedient to pass the bill whilst section 3089 remained unrepealed on the Code.

Which bill, with the report, was laid on the table.

Mr. Brindley introduced a bill to give Judges of Probate equity jurisdiction, and to make certain named women *feme soles*, which was read first and second times, and referred to Judiciary committee.

Mr. Patton submitted a tabular statement of the census of 1855, which, on motion of Mr. Kimball, was laid on the table.

Mr. Kimball introduced a bill for the relief of Spencer Moore and Manemiah Kinsey, which was read the first time, and ordered to a second reading.

Mr. Acklin introduced a bill to compell Administrators, Executors and Guardians, who have removed out of the State, to settle their accounts, which was read the first time, and ordered to a second reading.

The Senate proceeded to a consideration of the resolution, heretofore offered by Mr. Baker, in regard to foreign emigration.

The Senate refused to adopt the resolution. Yeas 11; nays 17.

Yeas—Messrs. Baker, Bethea, Cocke, Hewlett, Jones, of Franklin, Kimball, Malone, Peterson, Prince, Searcy and Taylor—11.

Nays—Messrs. President, Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, Jones, of Fayette, Lamar, Nelson, Patton, Powell, Wilson, of Jackson, Wilson, of Pickens—17.

The engrossed bill to authorize the Judge of Probate of Montgomery county to appoint a clerk, was read the third time.

Mr. Acklin moved the reconsideration of the vote, ordering the bill to a third reading, which was carried.

And the bill was re-committed to the Judiciary committee.

The engrossed bill to alter and amend the charter of the town of Eufaula;

To amend an act entitled an act to alter and amend the charter of the town of Eufaula;

To amend an act entitled an act to incorporate the Tennessee and Coosa Railroad Comphny;

To make Sarah Ann Clark, of the county of Morgan, a free dealer;

To amend the charter of the town of Tuskegee.

Respecting the Mobile Bay Road Company.

To repeal a special act passed for the payment of Jurors, approved the 18th day of January, 1845, so far as relates to Blount county.

The bill to repeal all laws or parts of laws incorporating the town of Russelville, in the county of Franklin.

To change the pay of Jurors of Butler county.

To increase the amount of tax on peddling in the county of Pike.

To incorporate the Winchester and Alabama Railroad Company, were severally read the third time and passed.

The engrossed bill to repeal a certain act therein named, was indefinitely postponed.

The engrossed bill to repeal an act requiring Justices of the Peace of Lowndes county, in their respective election beats, to act as apportioners and supervisors of roads, and for other purposes.

The engrossed bill to repeal an act therein named, and for other purposes.

The House bill to repeal an act therein named, was read the second time and referred to Judiciary committee.

The House bill to extend the time of holding the Circuit Court in the county of Greene, was read second time, and referred to a third reading.

The House bill to provide for the relief of census takers, was read second time, and referred to Judiciary committee.

To the same committee was referred the House bill for the preservation of game in the county of Greene.

On motion of Mr. Powell—

Resolved, That with the concurrence of the House of Representatives, the two Houses will meet in convention in the Hall of the House, on Tuesday, the 27th instant, at the hour of 12 o'clock, M., to elect a Secretary of State, Treasurer and Comptroller of public accounts.

Mr. Baker introduced joint resolutions on the subject of slavery, foreign immigration, civil and religious liberty, the Kansas act, and the policy of granting land to unnaturalized foreigners, &c., which were read the first time and ordered to a second reading.

The bill to divorce Gabriel Lovoom from his wife Mary Lovoom, was read second time and ordered to a third reading.

The bill to divorce Samuel M. Doolittle from his wife Sarah O. Doolittle, was read the third time, and passed the Senate by a constitutional majority, and ordered to be sent to the House forthwith.

The Senate proceeded to the consideration of the special order, it being the bill to renew the loan to the Mobile and Ohio Railroad Company.

The bill was ordered to a third reading.

Message from the House by Mr. Chapman, informing the Senate that the House concurred in the resolution proposing that the two Houses assemble in the Hall of the House, Tuesday, the 27th instant, at 12 o'clock, M.; to elect a Secretary of State, Treasurer and Comptroller of Public Accounts.

The bill from the House to amend the several acts incorporating the town of Tuscumbia, of Franklin county ;

To authorize the Sheriff of Blount county to execute constable duty in certain cases ;

To constitute George W. Rodgers a liner, &c. ;

To regulate the summoning of Jurors in the county of Marshall ;

For the relief of John Wilson and Charles P. Samuel, of Talladega county ;

Were severally read the second time, and ordered to a third reading.

A House bill to amend in part the act incorporating the Alabama and Tennessee Central Railroad Company, approved December 19th, 1853, was read the second time, and referred to the committee on the Judiciary.

The House bill to fix the pay of Judges and Sheriffs of Hancock county, was read the second and third times and passed.

The House bill to divorce certain persons therein named was read 2d time and referred to committee on Divorce and Alimony.

The bill to make Martha P. Troutman, of Coffee county, a free dealer ;

The bill to declare Martha J. Ouslin a free dealer ;

The bill to compensate tales jurors in certain cases ;

The bill to make Frances C. Berryman, of the county of Lawrence, a free dealer ;

Were severally read the second time, and referred to the Judiciary committee.

The bill to allow the Clerks of the Circuit Court of Henry and Dale counties longer time within which to issue executions, was read the second time, and ordered to a third reading.

The House bill to authorize the Administrators of Isaac Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months, and

To locate permanently the seat of justice of Marion county, were severally read second time and ordered to a 3d reading.

The bill from the House to change and regulate the time of holding the Circuit Courts in the counties of Marshall and Jackson, was read the second time and referred to the committee on the Judiciary.

The bill from the House to make *Martha Calahan*, of the county of *Lawrence*, a free dealer ;

To divorce *Martha C. Cowart* from her husband *Wiley G. Cowart*, and other persons therein named ;

To make *Frances Smith*, of the county of *Tallapoosa*, a free dealer ;

To make *Elizabeth Caroline Bell*, of the county of *Tuskaloosa*, a free dealer ;

To prevent the hunting of wild hogs in the county of *Greene* ;

To fix the pay of Probate Judges and Sheriffs of *Fayette* county ;

To regulate patrol duty in precinct No. 3, in the county of *Tuskaloosa* ;

To authorize the qualified voters of the county of *Tuskaloosa*, to elect a Treasurer of said county ;

To change section 930 of the Code ;

To repeal the fees of the Probate Judge of *Greene* county ;

To extend the jurisdiction of the Judge of the Probate Court of *Greene* county ;

To cause the county Treasurer and county Surveyor of *Franklin* county, to be elected by the people ;

Were severally read the first time and ordered to a second reading.

The bill from the House to change the time of holding the Circuit Courts of *Madison* and *Jackson* counties ;

To incorporate the *Mobile Steamship Company* ; and

The bill supplementary to an act relating to the burnt records of *Butler* county ;

Were severally read the first and second times forthwith, and referred to the committee on the Judiciary.

And the Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, November 27, 1855.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

Mr. Jones, of *Fayette*, presented the account of *Green T. Horton*, which was referred to the committee on Accounts.

Mr. Kimball, from the committee on Enrolled bills, reported that they had found the bill to authorize the Clerk of the City Court of *Mobile* to issue attachments, correctly enrolled.

Mr. Acklin presented the petition of *Wm. H. Moore*, and other citizens of *Huntsville*, in relation to *Emaline Dickson*,

a free woman of color, which was referred to the committee on Propositions and Grievances.

Mr. Taylor, from the committee on Education, reported a bill to change the name of the Bascom Female Institute, which was read first time and ordered to a second reading.

Mr. Brindley, from the committee on Propositions and Grievances, reported a bill for the relief of James M. Petty, of Fayette county, which was read the first time and ordered to a second reading.

Mr. Brindley, from same committee, reported a bill for the relief of Nathaniel Hillian, of Jackson county ;

Also, a bill for the relief of John Pate and William J. Morris, of Coosa county ;

Which were referred to the Judiciary committee.

Mr. Brindley, from the same committee, recommended the passage of the bill to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy, in Chambers county, which was ordered to a third reading.

Mr. Brindley, from same committee, to which was referred the bill for the relief of Alex. Posey, of Shelby county, reported it as inexpedient to pass the bill, which report was concurred in.

Mr. H. C. Jones, from the committee to which was referred the House bill to divorce certain persons therein named, recommended the passage of said bill, and the bill was ordered to a third reading.

Mr. Acklin introduced a bill to amend the charter of the Northern Bank of Alabama at Huntsville, approved the 17th of February, 1854, which was read the first time and ordered to a second reading.

Mr. Kimball introduced a resolution in relation to a certain charge made by the State Printers against the State, which was laid on the table, on motion of Mr. Bradford.

Yeas—Messrs. President, Abernathy, Acklin, Bacon, Be-thea, Bradford, Brindley, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson, Wilson, of Pickens—22.

Nays—Messrs. Baker, Cocke, Kimball, Peterson, Prince, Taylor, Webb—7.

Mr. Baker introduced a bill to repeal an act entitled an act to create a clerkship in the Comptroller's office, which was read first time and ordered to a second reading.

Mr. Powell introduced a bill for the relief of Jacob Bentley and Lucy Ann H. Cotton, which was read first and second

times, and referred to the committee on Propositions and Grievances.

Mr. Bacon introduced a bill to amend section 2471 of the Code, which was read first time and ordered to a second reading.

Mr. President laid before the Senate a communication from the Hon. W. P. Chilton, informing the Senate of his resignation of the office of Judge of the Supreme Court of Alabama, to take effect from the 31st of December next, which was laid on the table.

Mr. Searey introduced a bill to compensate Jurors trying the right of proerty before Justices of the Peace.

Mr. Webb introduced a bill to amend section 985 of the Code.

Mr. Cocke introduced a bill to repeal the 8th clause of section 397 of the Code, which were severally read the first time and ordered to a second reading.

On motion of

Mr. Brindley:

Resolved, (the House concurring,) That the two Houses will meet in the Hall of the House of Representatives on Wednesday, the 28th instant, at 12 o'clock, M., for the purpose of electing an Attorney General, Adjutant General, Inspector General, and Quartermaster General for the State of Alabama.

Mr. Acklin introduced a bill for the relief of certain negroes therein named, which was read first time and ordered to a second reading.

Mr. Patton introduced a bill to incorporate the LaGrange College, at Florence, which was read the first and second times and referred to the committee on Education.

Message from the House.

Mr. President:

The House has concurred in the resolution of the Senate, proposing to meet in the Hall of the House of Representatives on Wednesday, the 28th instant, at 12 o'clock, M., for the purpose of electing an Attorney General, Adjutant and Inspector General, and Quarter Master, for the State of Alabama.

The House bill to repeal an act therein named, and for other purposes; and

The House bill for the relief of John Wilson and Charles P. Samuel; and

House bill amending the several acts passed, incorporating the town of Tusculmbia, in Franklin county, approved February 3, 1854,

Were severally read the third time and passed.

The House bill constituting George W. Rodgers a liner, &c., was read the third time and laid on the table.

The House bills to regulate the summoning of Jurors in Marshall county ;

To authorize the Sheriff of Blount county to execute constables' duty in civil cases ;

To authorize the Administrator of Jesse Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months,

Were severally read the third time and passed.

The bill to renew the loan to the Mobile and Ohio Railroad Company, was read the third time.

Mr. Brindley moved to make the same the special order for 12 o'clock, to-morrow.

A message was received from the House, inviting the Senate into the Hall of the House, for the purpose of going into the election of a Secretary of State, Treasurer and Comptroller of Public Accounts.

The two Houses proceeded first to the election of Secretary of State.

The names of James H. Weaver, of Coosa and Edwin R. Wallace, of Madison, being in nomination.

Those who voted for Mr. Weaver, were Messrs. President, Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones, of Franklin, Jones, of Fayette, Kimbal, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson and Wilson, of Pickens.—22.

House, Messrs. Speaker, Acree, Beck, Bishop, Bradley, Brown, of Marion, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis, Dawson, Ellis, of Blount, Garlick, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, King, Kirkland, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Chambers, Taylor, of Coosa, Towles, Ward, of Dale, Williams and Winston.—53—22 : 75.

Those who voted for Mr. Wallace, are Messrs. Baker, Bethea, Cocke, Peterson, Prince, Taylor of Greene, and Webb, of the Senate.—7.

Barry, Battle, Belser, Byrne, Carpenter, Clanton of S., Crawford, Cunningham, Echols, Fowler, Galloway, Gilmore, Howard, Jay, McBride, McClanahan, Miree, Nicolson, Odom, Owen,

Powell, Pryor, Reid, Smith, of Franklin, Smith, of Mobile, Sykes, Thornton, Thorn, White, Withers and Wright, of the House.—29—7 : 36.

Mr. Weaver, having received a majority of all the votes given, was declared by Mr. Speaker, to be duly and constitutionally elected Secretary of State for the term prescribed by law.

The two Houses in joint convention proceeded to the election of Treasurer of the State of Alabama.

William Graham, of Autauga, alone being in nomination and having received all the votes cast, (101,) was declared by Mr. Speaker, duly and constitutionally elected Treasurer for the term prescribed by law.

The two Houses in joint convention proceeded to the election of a Comptroller of Public Accounts.

Mr. W. J. Green, of Jackson, and Joel Riggs, of Montgomery, being in nomination.

Those who voted for Mr. Green, are Messrs. President, Abernathy, Acklin, Bradford, Bacon, Brindley, Felder, Gay, Hobdy, Jenkins, Jones, of Franklin. Jones, of Fayette, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson, of Jackson, Wilson, of Pickens, Senate.—20.

House, Messrs. Speaker, Aeree, Beavers, Beck, Bishop, Bradley, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis Dawson, Ellis, of Blount, Garlick, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Kirkland, King, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, McMullen, Milligan, Moragne, Nabors, Peddy, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith, of Lauderdale, Smith, of Randolph, Staton, Taylor, of Coosa, Taylor, of Chambers, Towles, Ward, of Dale, Williams and Winston.—52—20 : 72.

Those who voted for Mr. Riggs, were Messrs. Baker, Bethea, Cocke, Kimbal, Peterson, Prince, Taylor and Webb of the Senate.—8.

House, Messrs. Barry, Battle, Belser, Brown, of Marion, Brown, of Tuskaloosa, Byrne, Carpenter, Clanton, of Sumter, Crawford, Cunningham, Echols, Fowler, Galloway, Gilmore, Howard, Jay, McBride, McClanahan, Mirce, Nicholson, Odom, Owen, Powell, Pryor, Reid, Smith, of Franklin, Smith, of Mobile, Sykes, Thornton, Thorn, White, Withers and Wright.—34—8 : 42.

Mr. Green having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected

Comptroller of Public Accounts for the term prescribed by the Constitution.

The Senate returned to its chamber, and resumed the consideration of the bill to renew the loan to the Mobile and Ohio Railroad Company, the question pending on the motion of Mr. Brindley to make it the special order of to-morrow at 12 o'clock, the question was taken, and the motion prevailed.

The Senate bill, making an appropriation to Edmond Reeves, Jailor of Jackson county, for victualing a prisoner confined in the jail of said county;

To allow the clerk of the Circuit Courts of Henry and Dale counties, longer time within which to issue executions ;

Were severally read the third time and passed.

The Senate bill, establishing annual sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the sessions thereof, being the special order, was taken up, and, on motion of

Mr. Taylor, laid on the table.

Thereupon, Mr. Taylor offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to enquire into the constitutionality of annual sessions of the Legislature of Alabama, and if they deem it advisable, to report a substitute for the bill now before the Senate proposing to establish annual sessions and to limit the time thereof, which was adopted.

The bill to cause the county Treasurer and county Surveyor of Franklin county, to be elected by the people ; and

To regulate the drawing and paying of Grand and Petit Jurors of the county of Hancock ;

Were severally read the second time and ordered to a third reading.

The bill to make Frances Smith, of Tallapoosa county, a free dealer ; and

The bill to make Elizabeth Caroline Bell, of the county of Tuskaloosa, a free dealer ;

Were severally read the second time and referred to the committee on Judiciary.

The bill to prevent the hunting of wild hogs in the county of Greene ;

The bill to fix the pay of Judges and Sheriffs of Fayette county ;

The bill to regulate patrol duty in precinct No. 3, in the county of Tuskaloosa ;

The bill to authorise the qualified electors of the county of

Tuskaloosa, to elect the county Treasurer of said county ; and

The bill to extend the jurisdiction of the Judge of Probate of Greene county ;

Were severally read the second time and ordered to a third reading.

The bill to change section 985 of the Code ; and

The bill to regulate the fees of the Judge of the Probate Court of the county of Greene ; and

The bill to make Frances C. Berryman, of the county of Lawrence, a free dealer ;

Were severally read the second time, and referred to the Judiciary committee.

The bill to divorce Martha C. Cowart from her husband Wiley G. Cowart, and other persons therein named, was read the second time, and referred to the committee on Divorce and Alimony.

The bill to make Martha Callahan, of the county of Lawrence, a free dealer, was read the second time, and referred to Judiciary committee.

The bill to declare Lewis D. French and William S. Walker, citizens of the county of Marshall, and for other purposes, was read second time, and laid on the table.

The bill to locate permanently the seat of justice for the county of Marion ;

To repeal an act requiring Justices of the Peace of Lawrence county, in their respective election beats, to act as apportioners and supervisors of roads, and other purposes ;

To divorce Gabriel Lovvom from his wife Mary Lovvom.

To extend the time of holding the Circuit Courts in the county of Greene ;

Were severally read the third time and passed.

The bill to divorce certain persons therein named, was read second time and ordered to a third reading, and the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER, 28. 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Kimbal, offered the following resolution :

Resolved, That the Senate has learned with feelings of most profound regret, the death of the Hon. Nathaniel Holt Clanton, of Macon county, who died at his lodgings in this city on yesterday at 6 o'clock, P. M.

Resolved, That in the death of Col. Clanton, the Senate

has lost an able and valuable member, the State one of its most estimable and worthy citizens.

Resolved, That the Senate hereby tenders to the family of the deceased, a sincere condolence in their irreparable bereavement.

Resolved, That each member of this body wear the usual badge of mourning for thirty days, as a token of respect for the memory of our deceased brother.

Resolved, That the Secretary of the Senate furnish the family of the deceased with a copy of these resolutions, and that the same be spread upon the Journals.

Resolved, That as a further token of respect for the memory of the deceased, the Senate do now adjourn until to-morrow morning 10 o'clock.

The resolutions were unanimously adopted, and the Senate thereupon adjourned.

NOVEMBER, 29, 1855.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Wilson of Jackson, presented the petition of Xoni Ward, which was referred to the Judiciary committee.

Mr. Acklin, from the Judiciary committee, to which was referred the engrossed House bill to amend in part the act incorporating the Tennessee and Alabama Central Railroad Company, approved December 19, 1853, reported it back to the Senate and recommend its passage, which report was concurred in and the bill was ordered to a third reading.

Mr. Acklin, from same committee, reported the Senate bill for the same purpose, which was laid on the table.

Mr. Acklin, from same committee, to which was referred the House bill relating to the Burnt Records of Butler county, approved January 17, 1854, reported it back to the Senate and recommended its passage, and the bill was ordered to a third reading.

Mr. Acklin, from same committee to which was referred the bill to regulate the fees of Sheriffs and Coroners in certain cases reported that it was inexpedient to pass the bill; nor the bill to give Judges of Probate Equity Jurisdiction, and to make certain married women *feme soles*, which reports were concurred in.

Message from the House by Mr. Chapman.

Mr. President:

The House has originated and passed bills of the following titles:

A bill for the protection of Telegraph lines and for other purposes.

A bill empowering the Court of County Commissioners in the county of Walker.

A bill for the relief of Samuel Morris, a free person of color.

Mr. Wilson of Jackson, presented the account of Martin Coles, which was referred to the Judiciary committee.

Mr. Jones of Fayette, from the committee on Divorce and Alimony, to which was referred the House bill to divorce Martha C. Cowart from her husband Wiley G. Cowart, and other persons therein named, reported it back to the Senate and recommended its passage, and the bill was ordered to a third reading.

Leave of absence was granted to Messrs. Jemison, Hatcher, Taylor and Ashley.

Mr. Cocke, introduced a bill to amend the Charter of the town of Marion, in the county of Perry, which was read three times and passed.

Mr. President, (Mr. Bethea in the Chair,) introduced a bill to repeal Section 4 of an act to amend an act entitled an act, to incorporate the Coosa and Chattooga Railroad Company, which was read first, second and third times forthwith and passed.

Mr. Abernathy, introduced a bill to aid the Alabama and Tennessee River Railroad Company, which was read the first and second times forthwith and referred to the committee on Internal Improvements.

Mr. Searcy, introduced a bill to amend the estray laws, which was read first, second and third times forthwith and passed.

Mr. Webb, introduced a bill for the relief of A. Moore, Tax Collector, of Lowndes county.

Mr. Patton, introduced joint resolutions in relation to the public printing, which was read the first and second times, and on motion of

Mr. Powell, laid on the table.

Mr. Abernathy, introduced a bill for the relief of David B. Driskill and others of Benton county, which was read the first and second times and referred to the committee on Propositions and Grievances.

The Senate proceeded to the consideration of the special order, it being the bill to renew the loan to the Mobile and Ohio Railroad Company.

The bill was read the third time and Mr. Felder, moved to amend by engrossed ryder as follows :

Provided, That the debt shall not be extended, unless the Governor is satisfied that the debt is made perfectly safe to the State, and

Provided further, That the Governor be directed not only to require the first mortgage bonds to at least the amount of the loan, but also, such personal security as he shall deem satisfactory, said personal security not to be less than fifty per cent. of the amount of the loan.

The engrossed ryder was adopted and the bill passed.

Yeas 26, nays 2.

Yeas—Messrs. President, Abernathy, Acklin, Bacon, Bethes, Bradford, Cocke, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones of Franklin, Jones of Fayette, Kimbal, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Webb, Wilson of Jackson, Wilson of Pickens.—26.

Nays—Messrs. Baker and Brindley.—2.

Message from the House by Mr. Chapman.

Mr. President :

The House has adopted the following resolution :

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That as representatives of the people, we owe a tribute of respect to the memory of our distinguished fellow citizen, the late Henry W. Collier.

Be it further resolved, That in the language of the Executive, he enjoyed the confidence of those who knew him, as a man of ability, integrity and public worth, and that we can point with singular pride and pleasure to his elevated career as a statesman and jurist, as furnishing an encouraging example to those aspiring to true eminence by pursuing the path of virtue, of right and of honor.

Be it further resolved, That as Alabamians, we will ever cherish his memory with grateful feelings, for his useful and exemplary life and his true devotion to the interest of the State, and with a deep sense of her loss in his death.

The bills from the House,

To divorce certain persons therein named.

To extend the jurisdiction of the Judge of the Probate Court of Greene county.

To authorize the qualified voters of the county of Tuscaloosa, to elect the Treasurer of said county.

To regulate patrol duty in precinct No. 3, in the county of Tuscaloosa.

To fix the pay of Probate Judges and Sheriffs of Fayette county.

To prevent the hunting of wild hogs in the county of Greene; and the bill to regulate drawing of and paying of Grand and Petit Jurors for the county of Hancock.

Were severally read the third time and passed.

The bill to cause the county Treasurer and county Surveyor of Franklin, to be elected by the people, was laid on the table.

The joint resolutions on the subject of slavery, foreign emigration, civil and religious liberty, the Kansas act, and the policy of granting lands to unnaturalized foreigners, &c., was read the second time and made the special order for Monday next 12 o'clock.

The bill to repeal the 8th clause of Section 394 of the Code, was read the second time and referred to the committee on the Judiciary.

The bill to change the name of the Bascom Female Institute, was read the second and third times and passed.

The bill to amend Section 985 of the Code.

The bill for the benefit of certain negroes therein mentioned, were severally read the second time and referred to the committee on the Judiciary.

The bill for the relief of James M. Pettee, of Fayette county, was read second and third times and passed.

The bill for the relief of Spencer Moore and Manervia Kinsey, was read the second time and referred to the Judiciary committee.

The bill to repeal in part an act, to amend the Charter of the Northern Bank of Alabama, at Huntsville, approved February 17, 1854.

The bill to repeal an act entitled an act, to create a clerkship in the Comptrollers office, was read second time and referred to committee on Retrenchments, and the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER, 30, 1855.

Senate met pursuant to adjournment.

Prayer by Rev. Bishop Cobbs.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed bills of the following titles :

To regulate Grand and Petit Jurors in the county of Walker, and for other purposes.

To amend section 1872 of the Code.

To amend section 3860 of the Code.

To change the law in relation to county Surveyors and Coroners in the county of Dale.

Mr. E. P. Jones, from the Judiciary committee, to whom was referred the House bill for the relief of census takers, reported a substitute in lieu of the original bill.

Mr. Patton, moved to strike out the word "twentieth" before day and insert "tenth," which was adopted; the bill was ordered to a third reading.

Mr. Acklin, from the Judiciary committee, to whom was referred the bill to change section 985 of the Code, reported it back to the Senate and recommended its passage, and the bill was ordered to a third reading.

Mr. Acklin, offered the following resolution :

Resolved, That the two Houses will assemble in the hall of the House at the hour of 12 o'clock to-day, for the purpose of going into the election of a Chancellor for the Northern Division; also, for Solicitors for the first and second Judicial Circuits.

Mr. Baker, moved to amend as follows :

And also, Solicitors for the third, fourth and sixth Judicial Circuits, which was lost.

Yeas 4, nays 18.

Yeas—Messrs. Baker, Cocke, Peterson and Webb.—4.

Nays—Messrs. President, Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, H. C. Jones, E. P. Jones, Malone, Nelson, Patton, Wilson of Jackson and Wilson of Pickens.—18.

The resolution was then adopted.

Message from the House by Mr. Chapman.

Mr. President :

The House has adopted the following resolution :

Resolved, That with the concurrence of the Senate, the two Houses will meet in convention in the hall of the House of Representatives, on Friday the 30th inst., at the hour of 12 o'clock, M., for the purpose of electing an Attorney General, Adjutant and Inspector General, and Quartermaster General.

The resolution of the House was concurred in.

Mr. Acklin, from the committee on the Judiciary, to which was referred the bill to change section 985 of the Code, reported the bill back and recommended its passage.

Mr. Cocke, moved to amend as follows :

That the last line of Section 985 of the Code, be changed ~~so as~~ to read not less than one nor more than two months.

Mr. Wilson, moved to amend as follows :

That the provisions of this act shall not apply to the county of Jackson.

The bill was re-committed to the committee.

Mr. Acklin, from the same committee to whom was referred sundry House bills to make certain married women free dealers, reported that it would be inexpedient to pass said bills, or any of them, not only on account of a restrictive resolution adopted by the Senate, but because the relief asked for can be secured in another tribunal established by law, to meet such cases, and upon terms easy and cheap, and asked to be discharged from a further consideration of the subject.

The report was concurred in and the committee discharged.

Yeas 16, nays 10.

Yeas—Messrs. President, Abernathy, Acklin, Baker, Bacon, Bethea, Brindley, Felder, Jenkins, E. P. Jones, H. C. Jones, Lamar, Nelson, Patton, Prince and Wilson of Pickens.—16.

Nays—Messrs. Bradford, Cocke, Gay, Hobdy, Kimbal; Malone, Peterson, Searcy, Webb and Thomas Wilson —10.

Message from the House by Mr. Chapman, informing the Senate that the House had concurred in the resolution of the Senate, proposing to bring the election of Chancellor, for the Northern Division and Solicitors for the first and second Judicial Circuits.

Mr. Felder, from the Judiciary committee to whom was referred the bill in respect to the Guardianship of the property of non-resident minors, reported the same and recommend its passage.

The bill was ordered to a third reading.

Mr. Bacon, from the committee on public printing, made the following report :

The committee to whom was referred the subject matter of public printing, under a contract made between the Secretary of State and Messrs. Bates & Lucas, on the 20th day of September last, together with the protest of Underwood, Brown and DeWolf, alleging their right to said contract, have had the same under consideration and have instructed me to report, that the committee have had before them all the original bids for the said contract, and from the fact that it is impossible to ascertain the amount of each particular kind of work, that may be ordered by the Legislature, we cannot determine upon the lowest bid or upon the merits of any of the

bids referred to ; we cannot understand how a decision can be made under the requirements of the Code upon the merits of the bids ; and in view of the embarrassments which surround this subject, beg leave to recommend the passage of a bill to be entitled an act to repeal sections 85, 86 and 87 of the Code of Alabama.

The bill was read the first time and ordered to a second reading.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to incorporate the *Mobile Steam Ship Company*, and the bill was ordered to a third reading.

Mr. Felder, from the Judiciary committee, reported favorably on the bill to regulate the time of holding the Circuit Courts in the county of Pike.

Mr. Peterson, moved to amend by an additional section.

On motion of

Mr. Hobdy, the bill was re-committed to the Judiciary committee.

A message was received from the House, inviting the Senate into the hall of the House, for the purpose of going into the election set for this day at 12 o'clock *M*.

The Senate repaired to the hall of the House.

The two Houses proceed first to the election of Attorney General for the State of Alabama.

Marion A. Baldwin, alone being in nomination and having received one hundred and five votes, that being the entire number of votes given, Mr. Speaker declared him duly and constitutionally elected Attorney General for the State of Alabama, for the term prescribed by law.

The two Houses proceeded next to the election of an Adjutant and Inspector General, for the State of Alabama.

Thomas McKeiver, alone being in nomination, and having received eighty-eight votes, that being the entire number of votes given, Mr. Speaker, declared him duly and constitutionally elected Adjutant and Inspector General for the State of Alabama, for the term prescribed by law.

The two Houses then proceeded to the election of a Quarter Master General, for the State of Alabama.

Mr. P. H. Brittan, alone being in nomination and having received seventy-three votes, that being the entire number of votes given, Mr. Speaker, declared him duly and constitutionally elected Quarter Master, for the State of Alabama, for the term prescribed by law.

The two Houses then proceeded to the election of a Chancellor for the Northern Division of the State of Alabama.

Mr. John Foster alone being in nomination, and having received eighty-nine votes, that being the entire number of votes given, Mr. Speaker, declared him duly and constitutionally elected Chancellor for the Northern Chancery Division for the State of Alabama, for the term prescribed by law.

The two Houses then proceeded to the election of a Solicitor for the first Judicial Circuit.

Young L. Royston alone being in nomination, and having received ninety-seven votes, that being the entire number of votes given, Mr. Speaker, declared him duly and constitutionally elected Solicitor for the first Judicial Circuit of the State of Alabama, for the term prescribed by law.

The two Houses then proceeded to the election of a Solicitor for the second Judicial Circuit of the State of Alabama.

Mr. Richebourg Gaillard, alone being in nomination and, having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor of the second Judicial Circuit of the State of Alabama, for the term prescribed by law.

Messrs. Belser, Echols and Jay, voted for Mr. Haralson.

The Senate returned to its chamber.

Mr. Acklin, from the Judiciary committee, reported favorably on the bill to pay Judges of Probate and Sheriffs of Henry and Dale counties.

The bill was ordered to a third reading.

Ordered that Mr. Prince be added to the committee on Internal Improvements.

Mr. Powell moved to take from the table the bill for the relief of E. C. Bullock and others, which was carried.

Mr. Peterson, moved to amend by adding Henry Hart, Thomas K. Appling and William Ballard, which was adopted.

Mr. Bacon moved to amend by adding the names of James T. Brock and M. A. Hill, of Chambers county, which was adopted and the bill ordered to a third reading.

Mr. Patton, introduced a bill to amend section 6 of an act to lay off Cherokee and Lauderdale counties into four Commissioners Districts, &c., which was read first and second times and referred to the committee on the Judiciary.

Mr. Felder introduced a bill to allow Judges of Probate to appoint a general guardian for their respective counties.

Mr. Patton presented the Tennessee Conference report, in regard to LaGrange College, at Florence, which was referred to the committee on Education.

Mr. Bacon introduced a bill to authorize the conferring o

diplomas at the Southern Military Academy of Chambers county, which was read the first and second times forthwith, and referred to the committee on Education, together with a catalogue of said Academy.

Mr. Bethea introduced a bill to amend the charter of the Mobile and Ohio Railroad Company, which was read the first and second times, and referred to the committee on Internal Improvements.

Mr. Bethea introduced a bill to incorporate the Jacksonville Academy, in the county of Mobile, which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Searcy introduced a bill to create the 13th Chancery District in the Southern Division, and for other purposes, which was read the first time, and ordered to a second reading.

Mr. Peterson introduced a bill to amend section 3089 of the Code of Alabama, which was read the first time, and ordered to a second reading.

Mr. Cocke introduced a bill to raise the compensation of Jailors in the State of Alabama, which was read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 1, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Blue.

Mr. President laid before the Senate a communication from V. M. Benham, resigning the office of Secretary of State, to take effect on the 15th of June next, which was received, and laid on the table, on motion of Mr. Patton.

Mr. Taylor, from the committee on Education, to whom was referred the bill to authorize the Secretary of State to subscribe to ninety-eight copies of the new Map of Alabama, about to be published by D. H. Cram, reported the bill with the following amendment:

At the end of the proviso, in the second section, add the word "United States," and insert the words "one to the District of Columbia."

The amendments reported by the committee, were adopted.

Mr. Peterson moved to amend by adding "except the State of Massachusetts," which was lost.

Yeas 8; nays 16.

Yeas—Messrs. Cocke, Felder, Hewlett, Jones of Franklin,

Jones, of Fayette, Peterson, Prince and Wilson of Pickens.
—8.

Nays—Messrs. President, Abernathy, Acklin, Bethea, Bradford, Brindley, Gay, Hatcher, Hobdy, Senkins, Lamar, Malone, Nelson, Patton, Taylor, Webb.

The bill was laid on the table.

Mr. Malone, from the Judiciary committee, to whom was referred the bill to authorize the court of County Commissioners of the county of Limestone to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company, reported favorably on the bill, and the bill was made the special order for Tuesday next, at 12 o'clock.

On motion of Mr. Malone:

Resolved, That, with the concurrence of the House, the two Houses will meet in the Hall of the House to-day at 12 o'clock, for the purpose of electing a Solicitor for the 3d Judicial Circuit, for the State of Alabama.

Which, by order of the Senate, was carried forthwith to the House.

Mr. Patton moved to reconsider the vote ordering the Mobile Steamship Company to a third reading.

The vote was reconsidered.

Message from the House by Mr. Chapman.

Mr. President:

The House concurs in the resolution of the Senate to go into the election to-day, at the hour of 12 o'clock, M., for the purpose of electing a Solicitor for the 3d Judicial circuit.

The House has originated and passed bills of the following titles:

A bill for the relief of Robert A. Johnson, administrator;

A bill to amend section 1162 of the Code, so far as relates to Macon county.

A message from the House, by Mr. Chapman.

Mr. President:

The House has instructed me to invite the Senate into the hall of the House of Representatives to go into the sit for 12 o'clock, M., to day.

The Senate then repaired to the hall of the House.

The two Houses then proceeded into the election of Solicitor for the third Judicial Circuit.

Messrs. L. V. B. Martin and Patrick H. Jack, being in nomination.

Those who voted for Mr. Martin, are:

Messrs. President, Abernathy, Acklin, Bacon, Bethea, Bradford, Brindley, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones

of Franklin, Jones of Fayette, Lamar, Malone, Nelson, Patton, Powell, Searcy, Wilson of Jackson and Wilson of Pickens, of the Senate—22.

Messrs. Speaker, Acree, Alford, Beavers, Bernhard, Beck, Belser, Bishop, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Burgess, Camp, Chapman, Cochran, Critcher, Curry, Davis, Ellis of Blount, Galloway, Garleck, Goode, Graham, Grubbs, Haden, Hancock, Hobbs, Howard, Jackson, Jones, King, Kirkland, Little, Lockett, Lynch, Maples, Menasco, McBride, McClanahan, McConnell, Milligan, Moragne, Nabors, Pennington, Portis, Pryor, Pynes, Remson, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Lauderdale, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thornton, Thorn, Towles, Ward of Dale, Williams, Withers and Woolsey, of the House—62—22 : 87.

Mr. Webb of the Senate voted for Mr. Jack.

Messrs. Fowler, Jay, Nicholson and Rhodes, of the House voted for Mr. Jack—5.

Mr. Martin having received eighty-seven votes, Mr. Speaker declared him duly and constitutionally elected Solicitor for the third Circuit, for the term prescribed by law.

The Senate returned to its chamber.

Mr. Patton, from the committee on Internal Improvement, to whom was referred a bill to aid the Memphis and Charleston Railroad Company ; and also the memorial, &c., showing the condition of said Company, reported a substitute for the original bill, and recommended its passage.

The substitute was adopted.

Mr. Brindley moved to amend as follows :

“ Provided. That the notes of the old Bank of the State of Alabama and its Branches, shall not be considered money.

Mr. Bethea moved to lay the amendment on the table.

Carried.

Yeas 22 ; nays 7.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Baker, Bethea, Bradford, Cocke, Gay, Hatcher, Hewlett, Jenkins, H. C. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Felder, Hobdy, Jones of Fayette, Searcy and Wilson of Pickens.

The Senate then adjourned until Monday morning, 10 o'clock.

DECEMBER 3, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

The Senate resumed the consideration of the bill to aid the Memphis and Charleston Railroad Company—the question pending on ordering the bill to a third reading.

Mr. Peterson moved to postpone the further consideration of the bill until Monday next. Lost.

Mr. Kimball moved to amend as follows :

“ Provided, That so much of our North Carolina and Virginia bonds as may, in the opinion of the Governor of this State, be necessary to meet and pay all our liabilities abroad, which may become due 1st January, 1858, shall not be subjected to any of the provisions of this bill.”

Mr. Patton moved to lay the amendment on the table.

Carried.

Yeas 16 ; nays 10.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Cocke, Hatcher, Jones of Franklin, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Felder, Gay, Hewlett, Jenkins, Jones of Fayette, Kimball, Searcy and Wilson of Pickens.

Mr. Searcy moved to amend by striking out “ six per cent.” and inserting “ eight per cent.”

On motion of Mr. Bradford,

The amendment was laid on the table.

Mr. Baker moved to amend as follows :

“ Provided, That the bills of the Bank of the State of Alabama and its Branches, in the Treasury, shall not be loaned to the Charleston and Memphis Railroad Company under the provisions of this act.”

Mr. President decided the amendment to be out of order, inasmuch as the same proposition was involved in the amendment heretofore offered by Mr. Brindley on the same subject.

Mr. Baker appealed from the decision of the chair ; and, on the question, “ shall the decision stand ? ” the vote stood as follows :

Yeas 14 ; nays 11.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Bradford, Felder, Gay, Hewlett, Jones of Franklin, Lamar, Malone, Nelson, Patton, Taylor, Wilson of Jackson and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Cocke, Hatcher, Jenkins, Jones of Fayette, Kimball, Peterson, Prince, Searcy and Webb.

The bill was ordered to be engrosed for a third reading.

Yeas 16 , nays 9.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Cocke, Hatcher, Jones of Franklin, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Felder, Gay, Jenkins, Jones of Fayette, Kimball, Searcy and Wilson of Pickens.

Message from the House by Mr. Chapman.

Mr. President :

The House has passed Senate bills of the following titles :

An act to incorporate the Huntsville Hotel Company ;

An act to authorize the pay of Jurors in certain cases in the counties of Autauga, Montgomery and other counties ;

An act to authorize the Court of County Commissioners of Greene, to appropriate a part of the fine and forfeiture fund to the erection of a fire proof office for the Probate Court of said county ;

An act to incorporate Florence Synodical Female College ;

An act to authorize James B. Martin, Jr., to practice law in the several Courts of this State.

The House has originated and passed bills of the following titles :

To authorize the Court of County Commissioners of Limestone county, to subscribe to the capitol stock of Tennessee and Alabama Central Railroad Company ;

To reduce the ex-officio fees of Judges of Probate, Circuit Clerks and Sheriffs of Walker county ;

For the relief of Elisha Greer, of the county of Tallapoosa ;

To regulate the summoning of Jurors in the county of DeKalb.

Mr. Patton, from the committee on Internal Improvements, to whom was referred the bill to aid the Alabama and Tennessee Rivers Railroad Company, reported a substitute for the original bill and recommended its passage.

The substitute was adopted.

Mr. Baker moved to amend as follows :

“ Provided, That the bills of the Bank of the State of Alabama and its Branches, shall not be loaned to this Company ; and provided further, that the 6 per cent. bonds of Virginia

and the 6 per cent. bonds of North Carolina, shall not be loaned, under the provisions of this act, to said Company.

The bill was ordered to be engrossed for a third reading.

Lost. Yeas 15 ; nays 8.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Cocke, Hatcher, Jones of Franklin, Malone, Nelson, Patton, Peterson, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Felder, Gay, Hewlett, Jones of Fayette, Kimball and Searcy.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed bills of the following titles :

An act to amend a certain act therein named ;

An act to divorce Cornelia Brennan from her husband, John E. Brannon.

Mr. Kimball, from committee on Enrolled Bills, reported as correctly enrolled, a bill to be entitled an act to divorce Samuel M. Doolittle from his wife, Sarah O. Doolittle.

Mr. President laid before the Senate the census of Monroe county, which was referred to the committee on Apportionments.

Mr. Brindley, from committee on Propositions and Grievances, to whom was referred the bill for the relief of David B. Driskall and others of Benton county, reported the same with an amendment, which was adopted, and the bill ordered to a third reading.

Mr. Brindley, from same committee, to whom was referred the bill for the relief of Jacob Bentley and Lucy Ann H. Cotton, reported that it was inexpedient to pass the bill.

The report and the bill were laid on the table.

Mr. Brindley, from the same committee, to whom was referred the petition of William H. Moore, praying relief for Emeline Dickson, a free person of color, reported that it was inexpedient to grant the prayer of the petitioner.

The report and petition were laid on the table.

Mr. Abernathy, from the committee on Retrenchments, to whom was referred the bill to repeal an act entitled an act to create a Clerkship in the Comptroller's office, reported the same and recommended its passage.

The report and bill were laid on the table.

A bill from the House to authorize the Court of County Commissioners of Limestone county, State of Alabama, to

subscribe to the Capital Stock of the Tennessee and Alabama Central Railroad Company, was read the first and second times, and made the special order for to-morrow, 12 o'clock.

The tabular statement of the census heretofore reported by the Secretary of State and laid on the table, was taken from the table and referred to the committee on Apportionment.

Mr. Hewlett introduced a bill to amend sections 19 and 32 of the Code, which was read the first and second times and referred to the committee on the Judiciary.

Mr. Peterson introduced a bill to be entitled an act to make a loan to the Mobile and Girard, and the Eufaula Branch of the Mobile and Girard Railroad Company, which was read first and second times and referred to committee on Internal Improvements, &c.

Mr. Taylor introduced a bill to aid the Mobile Medical College, which was read first and second times and referred to committee on Education.

Mr. Nelson introduced a bill to regulate Sheriffs' and Coroners' sales in the county of Shelby, which was read first, second and third times forthwith and passed.

On motion of Mr. Brindley,

Resolved, That the committee on the Judiciary enquire into the expediency of giving Judges of Probate power to issue writs of *habeas corpus* in minor felonies, and report by bill or otherwise.

Mr. Searcy introduced a bill to compensate Jurors and Constables in Justices' Courts, which was read first and second times and referred to Judiciary committee.

Mr. Jenkins introduced a bill to regulate the fees of Probate Judges ;

Also, a bill to regulate the summoning of Petit Jurors and witnesses in the county of Covington ; which were severally read the first time and ordered to a second reading.

Mr. B. F. Wilson introduced a bill in relation to warehouse keepers, which was read first and second times and referred to Judiciary committee.

Mr. Taylor introduced a bill to incorporate the Lyon Marine Fire Insurance Company, at Demopolis, Alabama, which was read first and second times, and referred to Judiciary committee.

The resolutions heretofore offered by Mr. Baker, on the subject of foreign immigration, &c., were made the special order Wednesday next, 11 o'clock.

The Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER, 4, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

On motion of Mr. Malone,

Resolved, By the Senate, (the House concurring,) That the two Houses will assemble in the Representatives hall to-day, at the hour of 12 o'clock, for the purpose of electing Solicitors for the fourth, fifth and sixth Judicial Circuits of the State of Alabama.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed bills of the following titles :

To establish a Board of Physicians in the county of Shelby ;

To authorize the completion of the final records of the Circuit Court of the county of Madison ;

To consolidate the offices of Tax Collector and Tax Assessor for the county of Hancock.

Mr. Bethea introduced a bill to aid in deepening and removing obstructions in the Mobile Bay and the Mobile and Alabama rivers.

Mr. Prince moved to amend by adding " Tombigbee river."

Mr. Abernathy moved to amend by adding " Coosa river, from Greensport to Georgia State line."

Mr. Paterson moved to amend by adding " Pea river."

Mr. Patton to amend by adding " Colberts Shoals, on Tennessee river," all of which were adopted.

The bill was read first and second times, and referred to committee on Internal Improvements.

Message from the House by Mr. Chapman.

Mr. President :

The House has concurred in the resolution of the Senate, that the two Houses will assemble in the hall of the House to-day, at the hour of 12 o'clock, for the purpose of electing Solicitors for the fourth, fifth and sixth Judicial Circuits of this State.

Mr. President (Mr. Patton in the chair) introduced a bill to amend an act to authorize the holding of additional terms of the Chancery Court in Cherokee, Benton and Talladega counties, approved February 17, 1854, which was read first and second times forthwith, and ordered to a third reading.

Mr. Patton introduced a bill for the relief of Lucy J. Armstrong, and for other purposes, which was read first and second times and referred to Judiciary committee.

Mr. Acklin, from same committee, to whom was referred the House bill to change section 985 of the Code, reported an amendment by way of substitute, which was adopted, and the bill as amended, was ordered to a third reading.

Mr. Acklin, from same committee, to whom was referred the bill to compensate Jurors in certain counties, reported it as inexpedient to pass the bill.

On motion of Mr. Jones of Franklin,

The report was laid on the table, and the bill was ordered to a third reading.

Mr. Acklin, from Judiciary committee, to whom was referred the bill to incorporate the Marion Insurance and Trust Company, reported the same with amendments, which were adopted, and the bill ordered to a third reading.

The following resolution, offered by Mr. Bradford, was referred to the committee on Printing.

Resolved, That the Comptroller of Public Accounts, be, and he is hereby instructed to enquire into the expediency of so changing the Constitution of the State of Alabama, as to reduce the number of square miles for the formation of counties now required by the constitution, with leave to report by bill or otherwise.

The House bills of the following titles, were read the third time and passed :

To prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy ;

The bill relating to the burnt records of Butler county, approved January 17, 1854 ;

To amend in part the act incorporating the Tennessee and Alabama Central Railroad Company, &c. ;

To divorce Martha C. Cowart from her husband, Wiley G. Cowart, and other persons therein named ;

The Senate bills to repeal an act to fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties, were severally read the third time and passed.

For the relief of V. C. Bullock, Jefferson Buford, John H. Dent, and other persons therein named, from the pains and penalties of the duelling act, was read the third time and laid on the table.

The House bill to incorporate the Mobile Steamship Company, was read the second time.

Mr. Taylor moved an amendment, which was adopted and the bill was read the third time forthwith and passed.

Ordered that the bill be forthwith returned to the House.

The bill to make a loan to the Memphis and Charleston Railroad Company, was read the third time.

Mr. Acklin moved to amend as follows :

“ Provided further, That at the expiration of said loan, said Company shall not apply for any further extension.”

The amendment was adopted.

The bill was read the third time and passed.

Yeas 18 ; nays 10.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Cocke, Hewlett, Jones of Franklin, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb, Wilson of Jackson and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Bacon, Raker, Brindley, Felder, Gay, Hatcher, Jenkins, Jones of Fayette, Kimball and Searcy.

The House bill to repeal an act therein named , and,

The House bill to provide for the relief of Census Takers, were severally read the third time and passed.

The Senate bill to make a loan to the Alabama and Tennessee Rivers Railroad Company, was read the third time and passed. Yeas 17 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Cock, H. C. Jones, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb, Wilson of Jackson and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Felder, Gay, Jenkins, Jones of Fayette, Kimball and Searcy.

The Senate bill for the relief of David B. Driskill, and others of Benton county, were read three times and passed.

The Senate bills—

To amend section 3087 of the Code ;

To compel executors, administrators, and guardians, who have removed out of the State, to settle their accounts ;

To create 13th Chancery District of the Southern Division ;

To repeal sections 85, 86 and 87 of the Code ;

To allow Judges of Probate to appoint a General Guardian for their respective counties ;

To compensate Jurors for trying the right of property before Justices of the Peace ; and

To amend section 2475 of the Code of Alabama—

Were severally read the second time, and referred to the committee on the Judiciary.

The Senate bill—To raise the compensation of jailors in the State of Alabama, was read the second time and referred to the committee on Finance.

The joint resolutions from the House, in regard to the death of the Hon. Henry W. Collier, were referred to a select committee of five, consisting of Messrs. Baker, Bethea, H. C. Jones, Patton and Brindley.

The Senate bill—To regulate the summoning of Petit Jurors in the county of Covington; and the bill—

To regulate the fees of Probate Judges—were read the second time, and referred to the Judiciary committee.

The House bill—To authorize the Court of County Commissioners of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company, was read the third time, and passed.

The House bill—to reform the corporate limits of the town of Marion, in the county of Perry, was read the first time, and on motion of Mr. Cocke, was indefinitely postponed.

The House bills—for the protection of Telegraph lines, and for other purposes; and the bill—

To amend section 3860 of the Code, were severally read the first time, and ordered to a second reading.

Message from the House, by Mr. Elmore:

Inviting the Senate into the Hall of the House of Representatives, for the purpose of electing solicitors for the 4th, 5th, and 6th judicial circuits.

The Senate then repaired to the Hall of the House, and the two Houses proceeded to the election of a Solicitor for the 4th Judicial Circuit.

Mr. John S. Kennedy alone being in nomination, and having received 94 votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor for said circuit, for the term prescribed by law.

The two Houses then proceeded to the election of a Solicitor for the 3d Judicial Circuit.

Mr. Nicholas Davis alone being in nomination, and having received 106 votes, that being the entire number of votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor for the 3d Judicial Circuit, for the time prescribed by law.

The two Houses then proceeded to the election of a Solicitor for the 6th Judicial Circuit—Robert B. Armstead and Leonard F. Somers being in nomination.

Those who voted for Mr. Armstead are:

Messrs. President, Abernathy, Bradford, Felder, Gay, Jones

of Fayette, Lamar, Malone, Nelson, Patton, Searcy, Wilson of Jackson, Wilson of Picken; of the Senate; Messrs. Speaker, Acree, Alford, Beavers, Beck, Belser, Bishop, Bradley, Brown of Marion, Burgess, Chapman, Cochran, Curry, Davis, Ellis of Blount, Ellis of Benton, Graham, Grubbs, Haden, Hancock, Hobbs, Jackson, Jones, King, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, Milligan, Moragne, Nabors, Pennington, Portis, Pynes, Remson, Rice, Sanford, Shackelford, Sheffield, Smith of Lauderdale, Staton, Taylor of Coosa, Ward of Cherokee, Winston and Wood, of the House—64.

Those who voted for Mr. Somers are :

Messrs. Baker, Hatcher, Hewlett, Jones of Franklin, Prince, Taylor, Webb, of the Senate ; Messrs. Battle, Byrne, Bernhard, Brown of Tuscaloosa, Camp, Clanton of Montgomery, Crawford, Echols, English, Galloway, Gilmore, Howard, Jay, Kirkland, McBride, McClanahan, Miree, Moorner, Nicholson, Odem, Owens, Powell, Pryor, Reid, Rhodes, Smith of Franklin, Smith of Mobile, Sykes, Thornton, Thorn, White, Wright, Wood and Woolsey, of the House—43.

Mr. Browder voted for Mr. Gardner.

Mr. Armstead having received a majority of all the votes cast, Mr. Speaker declared him to be duly and constitutionally elected Solicitor for the 6th Judicial Circuit, for the term prescribed by law.

The Senate returned to its chamber.

The following bills from the House were severally read the first time, and ordered to a second reading :

The bill to regulate the Grand and Petit Juries in the county of Walker, and for other purposes :

To change the law in relation to the County Surveyor and Coroners in the county of Dale ;

For the relief of Robert A. Johnson, administrator, &c. ;

To amend section 1162 of the Code, so far as the county of Macon is concerned ;

To regulate the summoning of Jurors in the county of De Kalb ;

For the relief of Elisha J. Greer, of Tallapoosa county ;

To reduce the ex-officio services of Probate Judges, Sheriffs and Circuit Clerks in the county of Walker ;

For the relief of Samuel Morris, a free person of color ;

To regulate the election of commissioners for the county of Walker ;

To make Elizabeth C. Hill, of the county of Cherokee, a free dealer ;

To empower the Courts of County Commissioners to fix the pay of Jurors in their respective counties ;

To amend a certain act therein named :

To divorce Cornelia Brennan from her husband, John E. Brennan, and other persons therein named.

Mr. Taylor introduced a bill to prevent the sale of spirituous liquors within one mile and a-half of the lot and building known as Barnes' Store, at Pleasant Ridge, in the county of Greene, which was read the first and second time, and ordered to a third reading ; and

The Senate adjourned until to-morrow morning at 10 o'clock.

DECEMBER 5, 1855.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Mr. Patton, from the committee on Internal Improvement, to whom was referred the bill to amend the charter of the Mobile and Ohio Railroad Company, reported the bill, and recommended its passage.

The bill was ordered to a third reading.

Mr. Acklin presented the petition of sundry citizens of the town of Huntsville, on the subject of establishing a lottery office, which was referred to the committee on Internal Improvement.

Mr. Prince introduced a bill to amend the charter of the Mississippi, Gainesville and Tuscaloosa Railroad Company, which was read the first and second times, and referred to the committee on Internal Improvement.

Mr. Baker introduced a bill for the relief of John N. Brown of Macon county, which was read the first and second times forthwith, and ordered to a third reading.

Mr. Bacon introduced a bill for the relief of the heirs of Marcus A. Flournoy, deceased of Chambers county, which was read the first and second times, and was referred to the committee on the Judiciary.

Mr. President (Mr. Jemison in the chair) introduced a bill to amend sections 174, 175, 177, 178, 179 and 181 of the Code, as to the time of elections, which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Webb introduced a bill to authorize Harrison T. Hambrick, a minor, to execute a deed to Thomas C. McDaniel.

Mr. Felder introduced a bill to amend section 8 of an act to incorporate the Alabama Dragoons and the Montgomery Riflemen, approved 18th of February, 1854, and to pay the Montgomery Riflemen for tents, camp equipages, &c., which was

read the first and second times, and referred to the committee on Finance.

Mr. Nelson introduced a bill for the relief of defendants in criminal prosecutions, when acquitted, which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Bacon, from the committee on Education, to whom was referred the bill to authorize the conferring of diplomas at the Southern Military Academy of Chambers county, reported the same to the Senate, and recommended its passage.

The bill was ordered to a third reading.

The House bills—

To change section 985 of the Code ;

To change the time of holding the Circuit Court in the county of Morgan, and to change the time of holding the same in the county of Hancock ;

To compensate tales Jurors in certain cases—were severally read the third time and passed.

The bills—

For the protection of Telegraph lines, and for other purposes ;

To amend section 1162 of the Code, so far as the county of Macon is concerned ;

For the relief of Robert A. Johnson, administrator, &c.—were severally read the second time, and ordered to a third reading.

The bill empowering the Court of County Commissioners to fix the pay of Jurors in their respective counties, was read the second time, and referred to the Judiciary committee.

The House bill, to regulate the summoning of Jurors in the county of DeKalb, was read the second time.

Mr. Jones of Fayette moved to amend by extending the provisions of this bill to the county of Covington, which was adopted, and the bill ordered to a third reading.

The committee on Enrolled Bills, reported as correctly enrolled, the bill to authorize James B. Martin, Jr., to practice law in the several counties of this State.

The Senate proceeded to the consideration of the special order, it being the joint resolutions heretofore offered by Mr. Baker, on the subject of foreign emigration, &c.

Mr. Malone offered to amend by way of substitute, and after some time spent in discussion, the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 6, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Acklin from the committee on the Judiciary, to whom was referred the bill to regulate the summoning of Petit Jurors and witnesses in the county of Covington, reported that its object might be obtained by an amendment to another bill, and recommend that the bill be laid on the table.

The report was concurred in.

Mr. Acklin presented the petition of Elizabeth Hubbard, which was referred to the committee on the Judiciary.

A message from the House, informing the Senate of the concurrence of the House in the amendment of the Senate to the bill for the relief Census Takers.

Mr. Acklin from the committee on the Judiciary to whom referred the bill to repeal section 6. of an act to lay off Cherokee and Lauderdale counties into four Commissioners' Districts, and for other purposes therein mentioned, reported the same to the Senate, and recommended its passage.

The bill was ordered to a third reading.

Mr. Acklin, from the same committee, reported favorably on the bill to create the 13th Chancery District, in the Southern Division.

The bill was ordered to a third reading.

Mr. Taylor, from the committee on Education, made the following

REPORT:

The Committee on Education, to whom was referred a bill entitled an act to aid the Alabama Medical College, to be located at Mobile, Alabama, have had the same under consideration, and ask leave to report, that the physicians throughout the State, feeling the strong necessity of some organization by which they could be brought together frequently, for the purpose of investigating our local diseases, and elevating the standard of professional attainment throughout the State, organized a "State Medical Association" composed of members of most parts of the State. This Association has been in existence for several years, and has held its meetings successively at several points, as Montgomery, Selma and Mobile, and finding that the great objects of the Association could not be obtained without a regular place of meeting, and a building suitable for a museum, library, &c., at its last annual meeting, selected the city of Mobile as the point which would best meet its views—on further consideration, it was decided that

the objects of the Association could not be fully attained without the establishment of a Medical College. The Mobile Medical Society at once took the subject up, and have offered to raise a sum of not less than forty thousand dollars for the erection of such a college, on condition that the State Legislature will add to it fifty thousand more, which would be sufficient to erect and put in full operation a Medical College equal to any in the United States. In a Medical College, the State Association would have a place of meeting, where they could come together, collect and record all important facts bearing on the climate and diseases of our State—visit a fine museum—bring together the minerals, fossils and other specimens of natural history, and thus develop from year to year the medical and collateral sciences, many of which bear directly on the physical resources of the State.

Your committee need not remind your honorable body of the beneficial influence of home education upon a people. Experience has amply taught that no country, or no State ever has, or ever can use to an elevated point in the scale of civilization without a well organized system of education, and the completeness of the system is the standard by which each must be measured. If our primary schools and our University have exercised such a beneficial influence over the intelligence, energy and usefulness of our people, it needs no argument to prove that a Medical College would be productive of like good results. A Medical College is not simply a school where young men are taught the nature and treatment of the various diseases which afflict humanity; but one, where are taught chemistry, mineralogy, botany and colleteral sciences, which are intimately connected with mining, agriculture and other of the daily practical affairs of life. The history of the medical profession, from the beginning of our era to the present day, will prove that to medical men and medical schools are we mainly indebted for the origin and development of those sciences which have most contributed to agriculture, manufactures and the useful arts. Medical Colleges at the present day are the centres, all over the world, around which cluster the natural sciences.

Your committee would mention the striking fact, that the different catalogues of the United States give a list of 250 students who left our State last year to seek instruction in the Medical Colleges of other States, because no institution of this kind could be found at home. It is estimated, from positive data, that, in travelling expenses, board, books, instruments, drugs, college fees, &c., these students carry out, of

our State annually, at least \$200,000, and that this drain must steadily increase with increasing population. The interest alone on this sum for three years would equal the donation asked in the bill, and it is therefore clear that in a pecuniary point of view, the State could not make a more profitable investment—but our object is not to show how many dollars and cents the State would save or gain by a Medical College,—we wish to show that a Medical College would give us better physicians, better surgeons, oculists, chemists, mineralogists, geologists, &c., &c., in short, would have an immense influence in developing the intellectual resources of the State. Alabama is rich in lands, minerals, agricultural products, commerce, &c., but if we are asked, where are your intellectual products, we must, with shame, acknowledge that ours is not a land of science or literature. We are behind every State of our age in the Union, and it is time that we should arouse from this lethargy.

The only means by which the standard of attainment in the Medical profession throughout the State can possibly be elevated, is a Medical College at the most accessible and largest town in the State. This is the experience of other States, and the same reasons must exist here. If we had a Medical College at the Emporium of our State, each branch of the profession would become a speciality—it would become the exclusive occupation of a competent professor—excellence would be attained in all the departments, and the college would become a focus from which knowledge would be distributed. A Medical College would not only form a point of attraction for students from Alabama, Mississippi and other States, but its anatomical rooms, extensive museum, apparatus, &c., would be a source of instruction to our country practitioners. By an occasional visit they might renew their anatomical and surgical knowledge, inform themselves in all the recent improvements, and thus keep pace with those sciences which are constantly progressing and perfecting. Our rivers and Railroads, in a day or two, would bring them to a college in Mobile, but few of those established in practice could afford the time and expense necessary to visit more distant institutions. Moreover, Mobile is the point selected by the State Medical Association, and it is the market town of the State, to which most of them are compelled to come every year for their professional and other supplies.

Your committee would further represent that the peculiar diseases of our climate afford another strong reason for the establishment of a local Medical School. Our bilious, conges-

live, yellow and other fevers—our pneumonias, bowel affections, &c., are all of types different from those of more Northern States—must be studied on our own soil and their treatment taught by those who have learned at the bed side. Northern schools and Northern professors cannot instruct the youth of Alabama in the practical knowledge which is indispensable to success. Moreover, the constitution and diseases of the negro form another important element in medical education. Our planters need not be told that a physician, to understand these, must be trained by Southern men, and at the bed side.

Our General Government has no power over the subject of education, and both usage and necessity forces each State to provide for its own wants. Every State in the Union, east of the Mississippi, with one or two exceptions, has one or more Medical Colleges, and wherever in a city as large as Mobile, they have been properly endowed, they have prospered and elevated the profession in the country around them; when, on the contrary, they have been left to private enterprise, they have languished, and from want of the proper appliances for instruction, have been productive of harm instead of good.

Your committee would point to the example and experience of other States. In many, medicine has formed a department in their Universities founded at public expense; in other States, the successful institutions have received liberal State aid—to say nothing of other States, those immediately around us, as Virginia, South Carolina, Georgia, Tennessee, Kentucky, Ohio, have all liberally endowed their flourishing Medical Schools, and our near neighbor, Louisiana, has in the last few years appropriated \$85,000 to her Medical College, and is now reaping a rich reward.

Many of the daily wants of the profession demand a Medical College at Mobile. If any one of the 1200 physicians in the State requires but a surgical instrument, or many other things whether trivial or important, he is compelled to do without them, or to send all the way to New York or Philadelphia for them, and hundreds of the citizens of Alabama have lost their lives in consequence. There are no instrument makers in Mobile—no well assorted book stores—the druggists are not of the first class, and many articles required by the profession are not here to be had. A Medical College is the only remedy. Wherever such institutions exist, physicians congregate, a market is created, and every want of the profession is supplied.

Your committee have ample reason to believe that this appropriation of \$50,000 asked from the State, together with the

\$40,000 to be raised by the Trustees of the proposed institution, is sufficient to erect and put in full operation a first class Medical College. So many Medical Colleges exist in other States—their plan of organization is so well understood—the cost of buildings, museum, apparatus, &c., so well ascertained, that we can speak knowingly and confidently on this point. Suitable buildings may be erected for about \$50,000, and the sum of \$40,000 would procure a museum and apparatus equal to any in the United States.

Your committee are clearly of opinion that nothing less than a first class Medical College should be established—for if the course of instruction is incomplete, it would only turn loose quacks upon the State, and it could not compete with other colleges. Most young men would go where they could obtain the greatest amount of knowledge at least expense. It would literally be throwing away money to establish a bad school, whereas, if it is done on a proper scale, success will be prompt and the true interest and honor of the State will be maintained.

Your committee do not view the proposed college as a local institution, but as one in which the country is far more interested than the town, for the primary object is to supply the State with better physicians and better surgeons—this is a matter that comes home to every man, woman and child within our borders. The history of Alabama legislation will perhaps show no parallel to the proposition now before them. The bill proposes to found an institution, than which none could be productive of more wide-spread benefits, on terms by which private individuals find themselves to furnish not only nearly half the capital required, but also to educate, free of expense, twenty-seven meritorious poor young men annually. The fees paid annually by this number of young men to any medical college in the United States would be about \$3000—an amount equal to the interest at 6 per cent. on the donation asked from the State. The State of Alabama probably never has, nor never can invest \$50,000 to such great advantage.

Influenced by these views, the committee have instructed me to report the bill back to the Senate without amendment, and to recommend its passage.

JOSEPH W. TAYLOR, *Chairman.*

On motion of Mr. Jemison,

The report and bill were laid on the table, and 160 copies of the report ordered to be printed for the use of the Senate.

Mr. Acklin, from the committee on the Judiciary, to whom was referred the bill to compel executors, administrators and

guardians, who have removed out of the State, to make final settlements of their accounts, reported the same to the Senate and recommended its passage.

The bill was ordered to be engrossed.

Mr. Patton, from the committee on Internal Improvements, to whom was referred the bill to aid the Alabama and Mississippi Railroad Company, reported a substitute to the Senate and recommended its passage.

The substitute was adopted and the bill was ordered to a third reading.

Yeas 16 ; nays 13.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hatcher, Hewlett, Jemison, H. C. Jones, Nelson, Patton, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Baker, Bacon, Brindley, Felder, Hobdy, Jenkins, E. P. Jones, Kimball, Malone, Peterson, Searcy, Thomas Wilson and B. F. Wilson.

Mr. Baker, from the committee on the Judiciary, to whom was referred the bill for the relief of Lucy J. Armstrong, &c., reported that it was expedient to pass the bill.

On motion of Mr. Patton, the report and bill were laid on the table.

Mr. Kimball, from the committee on Enrolled Bills, reported the following bills as correctly enrolled, viz :

An act to incorporate Florence Synodical Female College ;

An act to authorize the Court of County Commissioners of Greene to appropriate a portion of the fine and forfeiture fund to the erection of a fire-proof office for the Probate Court of said county, &c. ;

An act to incorporate the Huntsville Hotel Company ;

An act to authorize the pay of Jurors in certain cases, in the counties of Autauga and Montgomery, and other counties.

A message was received from the Governor, informing the Senate that he had approved a bill to authorize James B. Martin to practice law in the several counties of this State.

Mr. Bacon offered the following resolution :

Resolved, That with the concurrence of the House, the two Houses will assemble in the hall of the House to-day, at 12 o'clock, for the purpose of electing a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. William P. Chilton.

On motion of Mr. Taylor, the resolution was laid on table.

Ordered that leave of absence be granted to Mr. Lamar.

Mr. Felder, from the committee on the Judiciary, to whom was referred the bill to amend section 3089 of the Code, reported that it was inexpedient to pass the bill.

The report was concurred in.

Mr. Acklin, from the Judiciary committee, reported adversely on the bill to raise the compensation of Jailors in the State of Alabama.

The report was concurred in.

Mr. Acklin, from the same committee, to whom was referred the resolution instructing said committee to inquire into the expediency of so changing the Constitution of Alabama as to reduce the number of square miles now required by the Constitution for the formation of counties, with leave to report by bill or otherwise, reported that it would be inexpedient at this time to legislate on the subject.

The report was concurred in.

Yeas 19; nays 5.

Those who voted in the affirmative, are:

Messrs. Acklin, Ashley, Bacon, Brindley, Cocke, Felder, Hatcher, Hobdy, Jemison, Jenkins, H. C. Jones, E. P. Jones, Malone, Patton, Peterson, Prince, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are:

Messrs. President, Abernathy, Bradford, Searcy, and T. Wilson.

Mr. Bacon, from committee on Public Printing, to whom was referred the resolution instructing the Comptroller of Public Accounts to pay the account of Messrs. Brittan & Blue, for printing the blanks for yeas and nays, when certified to by the Secretary of the Senate, reported the same to the Senate, and recommended its adoption.

The resolution was adopted.

Mr. E. P. Jones, from the committee on the Judiciary, to whom was referred the bill to compensate Jurors trying the right of property before Justices of the Peace, reported favorably.

The bill was ordered to a third reading.

Mr. Patton introduced a bill to increase the fund for the support and maintainance of Free Public Schools in this State, which was read the first and second times, and referred to the committee on Education.

Mr. Ashley introduced a bill to authorize the executor of William Salter, deceased, to remove the administration of said estate from the county of Monroe to the county of Conecuh, which was read first and second times forthwith, and passed.

Mr. Jemison introduced a bill providing for a loan to the Mississippi, Gainesville and Tuskaloosa Railroad Company, which was read the first and second times, and referred to the committee on Internal Improvement.

Mr. Bethca introduced a bill to incorporate the Mobile and Great Northern Railroad Company, which was read the first and second times, and referred to the committee on Internal Improvement.

Mr. Felder introduced a bill to regulate the school fund of Township 17, Range 17, in Autauga county, which was read the first and second times, and referred to the committee on Sixteenth Sections.

The Senate then proceeded to the consideration of the special order, it being the resolution heretofore offered by Mr. Baker, on the subject of foreign immigration, the question pending on the substitute offered by Mr. Malone.

The further consideration of the resolution was postponed until Wednesday next at 11 o'clock, and made the special order for that hour.

The House bills—

For the relief of Robert A. Johnson, administrator, &c. ;

To amend section 1162 of the Code, so far as the county of Macon is concerned--were severally read the third time, and passed.

Message from the House, by Mr. Chapman, informing the Senate that the House had passed a bill to authorize A. D. Carry, Judge of Probate for Conecuh county, to act as such in a certain case therein named.

The bill to authorize the Secretary of State to subscribe for 98 copies of the new map of Alabama, &c., was taken from the table, and read the third time and passed.

The House bills—

For the protection of Telegraph lines and for other purposes ;

To regulate the summoning of Jurors in the counties of DeKalb and Covington ;

To prevent the sale of spirituous liquors within one mile and a-half of Barnes' Store, at Pleasant Ridge, in the county of Greene ;

To incorporate the Marion Insurance and Trust Company ;

To amend an act to authorize the holding of additional terms of the Chancery Courts in Cherokee, Benton, and Talladega counties--were severally read third time and passed.

The House bill to regulate the election of Commissioners in the county of Walker, was read the third time and laid on the table.

The House bill to reduce the ex-officio fees of the Judges of Probate, Circuit Clerks, and Sheriffs in the county of Walker, was also read the second time and laid on the table.

The House bills—

To make Elizabeth C. Hill, of the county of Cherokee, a free dealer ;

To amend section 386 of the Code ;

To amend section 1872 of the Code—were severally read the second time and referred to the Judiciary committee.

The House bills—

For the relief of Samuel Morris, a free person of color ; and

For the relief of Elisha Greer, of the county of Tallapoosa—were severally read the second time, and referred to the committee on Propositions and Grievances.

The House bill in relation to County Surveyors and Coroners in the county of Dale was read the second time.

Mr. Searcy moved to amend as follows :

Strike out the word “one,” before “surveyor,” and insert “two.”

The amendment was adopted and the bill ordered to a third reading.

The House bill to regulate the Grand and Petit Jurors in the county of Walker, and for other purposes, was read the second time, and

On motion of Mr. Hewlett, was laid on the table.

The House bill to divorce Cornelia Brennan from her husband, John E. Brenan, and other persons therein named, was read the second time and referred to the committee on Divorce and Alimony.

The House bill to amend a certain act therein named, was read the second time and referred to the committee on Internal Improvement.

The bill to authorize H. T. Hambrick, a minor, to execute a deed to Thomas C. McDaniel, was read the second time and referred to the committee on the Judiciary.

Mr. President laid before the Senate the report of the Trustees of the Alabama Insane Asylum, which was referred to the committee on Finance.

The House bill for the completion of the final records of the Circuit Court of Madison, was read the second time and laid on the table.

The bill to establish a Board of Physicians in the county of Shelby, &c., and

The bill to consolidate the offices of Tax Collector and As-

essor in the county of Hancock, were severally read the first time and ordered to a second reading.

Mr. Webb introduced a bill regulating the interest of money lent by guardians for their wards, which was read the first time and ordered to a second reading.

The bill for the relief of John M. Brown of Macon county, was read the third time and passed.

The bill authorizing the conferring of diplomas at the Southern Military Academy of Chambers county, and

The House bill to authorize A. D. Carry, Judge of Probate for Conecuh county, to act as such in a certain case therein named, were severally read the third time and passed ; and

The Senate adjourned until to-morrow morning at 10 o'clock.

DECEMBER 7, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Acklin, from the committee on the Judiciary, to whom was referred the bill to incorporate the Lyon Marine Insurance Company at Demopolis, Alabama, reported favorably, and the bill was ordered to a third reading.

Mr. Acklin, from the same committee, to whom was referred the bill to amend section 985 of the Code, reported that it was inexpedient to pass the bill, as the committee had already recommended the passage of a bill of the like kind.

The report was concurred in.

Mr. Taylor, from the committee on the Judiciary, to whom was referred a bill for the benefit of certain negroes therein named, reported the same with amendments, which were adopted.

The Senate refused to order the bill to a third reading.

Yeas 5 ; nays 23.

Those who voted in the affirmative are :

Messrs. Jones of Fayette, Kimball, Taylor, Wilson of Jackson, Wilson of Pickens.

Those who voted in the negative are :

Messrs. President, Abernathy, Ashley, Bacon, Bethea, Bradford, Brindley, Cocke, Felder, Hatcher, Hewlett, Hobdy, Jemison, Jenkins, Jones of Franklin, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy and Webb.

Mr. Malone, from the committee on the Judiciary, to whom was referred the bill to empower the court of County Commissioners to fix the pay of Jurors in their respective counties, reported that it would be inexpedient to pass the bill.

The report was concurred in.

Mr. Acklin, from the same committee, to whom was referred the bill to regulate the fees of Probate Judges, reported that it was inexpedient to pass the bill.

The report was concurred in.

Mr. Acklin from the same committee, to whom was referred the petition of Xoin Ward of Jackson county, reported that it was inexpedient to grant the prayer of the petitioner.

The report was concurred in.

Mr. Acklin reported unfavorably on the bill to repeal the 8th clause of section 397 of the Code of Alabama.

The report was concurred in.

Message from the House, by Mr. Chapman, informing the Senate that the House had passed

A bill to amend section 5 of a certain act therein named ; and

A bill for the relief of Wm. C. Thomas of Marshall county.

Mr. Acklin, from the Judiciary committee, reported adversely on the bill to compensate Jurors and Constables in Justices' Courts, as the law is now ample on that subject.

The report was concurred in.

Mr. Bethea, from the committee on Finance, to whom was referred the bill for the relief of the Tax Assessor, Tax Collector and Probate Judge of Jefferson county, reported that it was inexpedient to pass the bill.

The report and bill were laid on the table.

Mr. Bethea, from the same committee, reported the bill to define more perfectly the duties of Tax Assessors in the counties of Henry and Dale, with amendments, and recommended its passage.

The amendments were adopted.

Mr. Searcy moved an amendment, which was also adopted, and the bill was ordered to a third reading.

On motion of Mr. Taylor,

Resolved, That with the concurrence of the House, the two Houses will assemble in the Hall of the House at the hour of 1 o'clock, p. m., this day, for the purpose of electing a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. William P. Chilton.

Mr. Bethea, from the committee on Finance, to whom was referred the bill to amend section 8 of an act to incorporate the Alabama Dragoons and Montgomery Riflemen, &c., reported favorably, and the bill was ordered to a third reading.

Mr. Bethea, from the Judiciary committee, to whom was referred the bill for the relief of Spencer Moore and Monemia Kinsey, reported the same, and recommended its passage.

Mr. Taylor moved to amend as follows :

" Provided, That the exemption hereby extended to said parties shall not extend beyond the day upon which this act becomes a law, but relate to the intercourse between the parties up to that day."

Mr. Prince moved to lay the amendment on the table, which was carried.

Mr. Jemison moved to recommit the bill, with instructions to the committee to report on the legal question involved in the relief sought.

The Senate refused to recommit the bill.

Mr. Jemison then moved to lay the bill on the table, which was lost, and the bill was ordered to a third reading.

Yeas 17 ; nays 12.

Those who voted in the affirmative are :

Messrs. President, Abernathy, Ashley, Bacon, Bethea, Bradford, Cocke, Hatcher, Jones of Fayette, Kimball, Nelson, Peterson, Powell, Prince, Searcy, Webb and Wilson of Pickens.

Those who voted in the negative are :

Messrs. Acklin, Brindley, Felder, Hewlett, Hobdy, Jemison, Jenkins, H. C. Jones, Malone, Patton, Taylor and Thomas Wilson.

A message from the House, informing the Senate that the House concurred in the resolution to bring on the election of Supreme Court Judge this day, at 10 o'clock, A. M.

The hour of 1 o'clock having arrived, the Senate, upon invitation, repaired to the Hall of the House, and the two Houses proceeded to the election of Supreme Court Judge, to fill the vacancy occasioned by the resignation of the Hon. William P. Chilton.

A. J. Walker alone being in nomination, and having received 110 votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Supreme Court Judge for the time prescribed by the Constitution.

The Senate repaired to its chamber, and adjourned until tomorrow morning at 10 o'clock.

DECEMBER 8, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Taylor presented the memorial of the President and Directors of the N. E. and S. W. Alabama Railroad Company, which was referred to the committee on Internal Improvement.

Mr. President (Mr. Acklin in the chair) presented the petition of David Covington and others, which was referred to the committee on the Judiciary.

Mr. Acklin, from the Judiciary committee, reported favorably on the bill to amend section 3860 of the Code, and the bill was ordered to a third reading.

Mr. Acklin, from the same committee, to whom was referred the petition of Elizabeth Hubbard, reported that the relief asked for cannot be afforded by the Legislature.

The report was concurred in.

Mr. Acklin reported unfavorably on the bill to incorporate the Jacksonville Academy, in the county of Mobile.

The bill and report was laid on the table.

Mr. Acklin reported unfavorably on the bill to authorize Harrison T. Hambrick, a minor, to execute a deed to Thomas C. McDaniel.

The report was concurred in.

Mr. Acklin, from the same committee, to whom was referred the resolution in regard to the expediency of giving Probate Judges the power to issue writs of *habeas corpus* in minor felonies, reported that the committee were not aware of any legal distinction in felonies, and that it was inexpedient to legislate upon the subject.

Mr. Brindley moved to lay the report on the table, which was lost.

The report was concurred in.

Mr. Acklin, from the same committee, to whom was referred the bill for the relief of defendants in criminal prosecutions, when acquitted, reported that it was inexpedient to pass the bill.

The report was concurred in.

Mr. Acklin also reported adversely on the bill for the relief of the heirs of Marcus A. Flournoy, late of Chambers county.

The report was concurred in.

Mr. Taylor, from the committee on the Judiciary, to whom was referred the bill to allow Judges of Probate to appoint a General Guardian in their respective counties, reported that it was inexpedient to pass the bill, in as much as the law makes provision for that purpose.

The report was concurred in.

Mr. Malone, from the same committee, to whom was referred the bill to make Elizabeth C. Hill of the county of Cherokee a free dealer, reported that it would be inexpedient to pass the bill.

The report was concurred in.

Mr. Bethea, from the committee on Finance, reported favorably on the bill to amend section 397 of the Code, and the bill was ordered to a third reading.

Mr. Bradford, from the committee on Banks and Banking, to whom was referred the bill to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved the 17th of February, 1854, reported that a majority of said committee recommended the passage of the bill.

Mr. Jemison moved to amend as follows :

“ *Provided* nothing herein contained shall prevent a repeal of this act or the act to which this is an amendment, by any subsequent Legislature.”

The amendment was adopted and the bill ordered to a third reading.

Yeas 16 ; nays 6.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Cocke, Felder, Hatcher, Hobdy, Jemison, Jones of Franklin, Patton, Nelson, Peterson, Prince, Taylor and Wilson of Jackson.

Those who voted in negative, are :

Messrs. Bacon, Bradford, Brindley, Hewlett, Jones of Fayette and Searcy.

Mr. Cocke moved to reconsider the vote concurring in the report of the Judiciary committee, on the bill to compensate Jurors and Constables in Justices' Courts.

The vote was reconsidered, and the bill ordered to a third reading.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled :

The bill to enlarge the Winter term of the Chancery Court of the 29th District of the Northern Division of the State of Alabama.

A bill for the relief of Census Takers ;

A bill to authorize A. D. Carry, Judge of Probate of Conecuh county, to act as such in a certain case therein named.

Mr. Brindley, from the committee on Finance, to whom was referred the petition of Washington H. Aldridge of the county of Monroe, praying an act to authorize the Commissioners' Court of Monroe county to allow him compensation for assessing the county tax, reported that inasmuch as said Commissioners were not advised that there existed any law requiring said petition to assess the county tax of Monroe county, between September 1st, 1853, and May 1854, or at any other time, they see no reason why the petitioner should have done

so without the authority of the law, or why this General Assembly should pass a law to enable the petitioner to obtain two hundred and fifteen dollars and ten cents, for an extra judicial, and, so far as your committee are advised, an unnecessary deed—that it is inexpedient to grant the prayer of the petitioner.

The petition and report were laid on the table.

Message from his Excellency, the Governor, by Mr. Catlin.

Mr. President :

His Excellency, the Governor, has approved the following bills which originated in the Senate :

An act to authorize the pay of Jurors in certain cases, in the counties of Autauga, Montgomery and other counties ;

An act to authorize the Court of County Commissioners' of Greene county, to appropriate a part of the fine and forfeiture fund to the erecting of a fire proof office for the Probate Court of said county.

Mr. Jemison presented the petition of Charles G. Pitcher, which was referred to a Select committee consisting of Messrs. Jemison, Patton, Bradford, Felder and H. C. Jones.

Mr. Hewlett, from Judiciary committee, to whom was referred the bill to amend section 1953 of the Code, reported favorably, and the bill was ordered to a third reading.

Mr. H. C. Jones, from same committee, reported favorably on the House bill to amend section 1872 of the Code, and the bill was ordered to a third reading.

Mr. Patton moved to take from the table the bill for the relief of Lucy J. Armstrong.

Carried.

Mr. Patton moved to amend by way of substitute.

Adopted.

The bill was referred to the committee on Judiciary.

On motion of Mr. Cocke,

Resolved, That the Secretary of the Senate be directed to ascertain of the Secretary of State, who is now the public printer, and hand over all printing ordered by the Senate to said public printer.

Mr. Bacon introduced a bill for the relief of the heirs and legatees of Richard M. Manly, deceased, of Tallapoosa county, which was read first and second times and referred to the committee on the Judiciary.

Mr. Acklin introduced a bill to incorporate the Huntsville Mining and Manufacturing Company, which was read first and second times and referred to the committee on Internal Improvements.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled an act to authorize the Court of County Commissioners' of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company.

Mr. President laid before the Senate a communication from Joel Riggs, resigning the office of Comptroller, to take effect on the 31st of December, 1855. Ordered that the communication lie on the table.

Mr. Felder introduced a bill to change the time of holding the Circuit Courts in the counties of Bibb and Autauga, which was read the first, second and third times and passed.

The bill for the relief of Tax Assessors and Tax Collectors and Probate Judge of Jefferson, was taken from the table and re-committed to Finance committee.

The House bill compensating Jurors trying the right of property before Justices' of the Peace;

The bill in relation to County Surveyor and Coroner, in the county of Dale;

The bill to define more perfectly the duties of Tax Assessors in the counties of Henry and Dale;

To incorporate the Lyon Marine Fire Insurance Company, at Demopolis, Alabama; and,

The bill to amend section 8 of an act to incorporate the Alabama Dragoons and Montgomery Rifles, approved 18th February, 1854, were severally read the third and passed.

On motion of Mr. Felder,

Resolved, That the committee on the Judiciary be instructed to inquire into the constitutionality of passing a law to require all free negroes to leave the State of Alabama, and report by bill or otherwise.

The bill to make a loan to the Alabama and Mississippi Rivers Railroad Company, was read the third time and passed.

Yeas 14 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hatcher, Hewlett, Jemison, Nelson, Patton, Prince and Taylor.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Felder, Hobdy, Jenkins, Jones of Fayette, Searcy, Wilson of Jackson and Wilson of Pickens.

Mr. Jemison moved to reconsider the vote just taken.

Carried.

Mr. Jemison moved to reconsider the vote ordering this bill to a third reading.

Carried.

The bill was re-committed to the committee on Internal Improvements.

The bill for the relief of Spencer Moore and Monemia Kinsey, was read the third time and passed.

Yeas 17 ; nays 8.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Ashley, Bacon, Bethea, Bradford, Cocke, Felder, Hatcher, Jenkins, Jones of Fayette, Kimball, Nelson, Peterson, Prince, Searcy and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Acklin, Brindley, Hewlett, Jemison, Jones of Franklin, Malone, Patton and Taylor.

The bill to consolidate the offices of Tax Assessor and Collector of the county of Hancock, was read the second time and referred to the committee on Finance.

The bill to establish a Board of Physicians in the county of Shelby, was read the second time and ordered to a third reading.

The bill regulating the interest on money loaned by guardians for their wards, was read the second time and referred to Judiciary committee.

The Senate adjourned until Monday morning, 10 o'clock.

DECEMBER 10, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Leave of absence was granted Mr. Webb.

Mr. Acklin, from the Judiciary committee, to whom was referred the House bill to change and regulate the time of holding the Circuit Court in the county of Marshall and Jackson, reported said bill back to the Senate and recommended its passage.

The bill was ordered to a third reading.

Mr. Patton, from the committee on Internal Improvements, to whom was re-committed the bill to make a loan to the Alabama and Mississippi River Railroad Company, reported an additional section as an amendment to said bill and recommended its passage.

The amendment was adopted, and the bill read a third time and passed.

Yeas 15 ; nays 11.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hatcher, Hewlett, Jemison, Nelson, Patton, Peterson, Prince and Taylor.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Felder, Gay, Hobdy, Jenkins, Jones of Fayette, Kimball, Searcy, Wilson of Jackson and Wilson of Pickens.

Mr. Jemison, from the Select Joint committee, to whom was referred the report of the Commissioner and Trustee of the State Bank and Branches, reported a bill to authorize the sale of the stock in the Bank of Mobile, and recommended its passage.

The bill was read the first and second times and laid on the table.

The bill to amend the 17th paragraph of section 397 of the Code was read the third time and laid on the table.

The House bill to amend section 1872 of the Code, was read the third time and passed.

The House bill for the relief of William C. Thomas, of Marshall county, was read first time and ordered to a second reading.

The House bill to amend section 5 of a certain act therein named, was also read first time and ordered to a second reading.

The House bill to make Elizabeth C. Hill, of the county of Cherokee, a free dealer, was taken from the table and ordered to a third reading.

The Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 11, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Mr. Taylor, from the Judiciary committee, reported adversely on the bill to allow the Judge of Probate of Montgomery county to appoint a clerk.

The report was concurred in.

Mr. Felder, from the same committee, reported adversely on the bill for the relief of Lucy J. Armstrong.

The report and bill were laid on the table.

Mr. E. P. Jones, from the Judiciary committee, to whom was referred the bill in relation to warehouse keepers, reported a substitute, which was read first and second times, and the bill ordered to a third reading.

Mr. Jemison introduced a bill to incorporate the Middle

Alabama Railroad Company, which was read the first and second times and referred to the committee on Internal Improvements.

Mr. Searcy introduced a bill to declare Catharine Parish, of Henry county, a free dealer, which was read first time and ordered to a second reading.

On motion of Mr. Prince,

Resolved, That the committee on the Judiciary be, and they are hereby instructed to inquire into the expediency of permitting notes given to guardians to draw compound interest.

Mr. H. C. Jones, from the Judiciary committee, to whom was referred a bill to be entitled an act to amend section 2471 of the Code, reported it as inexpedient to pass the bill.

The report was concurred in.

Mr. Cocke introduced a bill for the relief of Jane Cothran, of Perry county, Alabama, which was read first and second times and referred to the committee on Propositions and Grievances.

The bill to amend section 1953 of the Code ;

To establish a Board of Physicians in Shelby county ;

To amend section 3860 of the Code ;

To compensate Jurors and Constables in Justices' Courts ;

To repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved February 17, 1854, were severally read the third time and passed.

Mr. Patton, from the Joint committee, appointed to examine the offices of Comptroller and State Treasurer, made the following

REPORT:

The Joint committee, composed of three members from each House, appointed to examine the offices of Comptroller of Public Accounts and State Treasurer, for the two fiscal years, ending 30th September, 1855, have discharged that duty, as required by Sections 35 and 36 of the Code, and instructed me to make the following report:

Your committee commenced the examinations with the office of State Treasurer for the period above mentioned, by carefully comparing the entries in his books, both of receipts and disbursements, with the certificates and warrants of the Comptroller, by which they were made, and found the same to agree. They also examined and proved the extensions and additions in said books and found the same to be correct, and the receipts and disbursements for each fiscal year, to

agree with the Treasurer's Biennial Report, made to the two Houses of the General Assembly, at the commencement of the present Session. They also ascertained, by an actual count of all the monies in the Treasury, that the same amounted to the balance contained in that report.

Your committee next examined the books and vouchers in the Comptroller's office for the same period, carefully comparing the entries with the vouchers for each fiscal year, as stated above, all of which your committee believe to be strictly correct, and so far as could be ascertained in strict accordance with law.

Your committee then compared the receipts and disbursements for the two fiscal years, ending as above stated, with the amounts for the same period, as shown in the books of the Treasurer's office and found them to agree exactly with each other.

Your committee found on comparing the cash balance on hand on the 30th September, 1855, as shown by the reports of the Comptroller and Treasurer, a difference of fourteen thousand five hundred and fifty-six 7-100 dollars, which upon examination, was found to result from a deficiency of that amount, which still remains due from S. G. Frierson, the late Treasurer, and which he failed to pay over to his successor on the 27th of January, 1848, the day on which the present Treasurer entered upon the duties of his office. In consequence whereof, your committee found that the balance remaining in the Treasury at the close of each fiscal year, as shown by the books in the Comptroller's office, has exceeded the actual balance remaining therein by the amount of said deficiency. All efforts to collect from the said Frierson, the balance due on his official bond, have failed, and in order to adjust and harmonize the balance in the two offices, your committee have instructed us to report the accompanying Preamble and Joint Resolutions, to adjust the cash balance in the office of Comptroller of Public Accounts, so as to correspond with the actual balance in the Treasury on the 30th September, 1855, and to recommend their passage.

Upon examination of the books and vouchers in the Treasurer's office, your committee find that the receipts during the fiscal year, ending 30th September, 1854, were \$645,055 45
That the balance in the Treasury 30th September, 1853, was

	1,221,513 60
	<hr/>
	\$1,866,569 05

That the disbursements during the fiscal year, ending 30th September, 1854, were	1,046,292 99
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Leaving a balance in the Treasury, at the close of the fiscal year, ending 30th Sep- tember, 1854, of	820,276 06
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That the receipts during the fiscal year, ending 30th September, 1855, were	715,236 59
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\$1,535,512 65

That the disbursements during the fiscal year, ending 30th September, 1855, were	341,780 22
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Leaving a balance in the State Treasury at the close of the fiscal year, ending 30th September, 1855, of	\$1,193,732 43
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That the receipts from the 30th September, 1855, to the 28th November following, have been	39,689 54
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\$1,233,421 97

That the disbursements from the 30th Sep- tember, 1855, to 28th November following, have been	59,164 27
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Thus leaving a balance in the State Treasury on the 28th day of November, 1855, of	\$1,174,257 70
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That your committee have carefully examined and counted the cash on hand on the 28th day of November, 1855, the day on which they closed the examinations and find the same amounts to be the sum of	\$1,174,257 70
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The descriptions of funds found in the Treas-
ury are as follows, viz:

In notes of the State Bank and Branches, which are sound and suitable for circula- tion	\$664,192 00
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In notes of the State Bank and Branches, which are mutilated and unfit for circulation	136,402 00
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In notes of State Bank and Branches, which are embraced in certificates of deposit in the Bank of Mobile,	54,000 00
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Total in notes of State Bank and Branches.	\$854,594 00
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In notes of Bank of Mobile and Southern Bank of Alabama,	148,170 00
In certificates of deposit Bank of Mobile,	97,788 11
In notes of Bank of Montgomery,	22,594 00
In notes of Northern Bank of Alabama,	4,264 00
In Gold,	42,568 14
In Silver,	4,279 45
	<hr/>
	\$1,174,257 70

For the safe disposal of the mutilated notes of the State Bank and Branches, now in the State Treasury, amounting to the sum of one hundred and thirty-six thousand four hundred and two dollars, as shown in the preceding statement, your committee have directed me to report the bill herewith and to recommend its passage.

Your committee would respectfully represent that the present salary of the State Treasurer is entirely inadequate to the labor performed and heavy responsibilities assumed by that officer in the discharge of his official duties. They have therefore directed us to report the bill herewith attached, to increase the salary of said officer, and to recommend its passage.

Your committee are pleased to bear testimony, that whilst engaged the past three weeks, in the discharge of the labors connected with their examinations, each of the officers was prompt in affording all needed information and assistance to enable them with facility to advance their investigations.

R. M. PATTON,
Chairman of Joint Committee.

Ordered that 2000 copies of the report be printed for the use of the Senate.

Mr. Patton introduced joint resolutions to adjust the cash balance in the office of Comptroller of Public Accounts, so as to correspond with the actual balance in the Treasury on the 30th September, 1855.

The resolutions were read the first time and ordered to a second reading.

Mr. Patton introduced a bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches now on hand in the State Treasury : and also,

A bill to increase the salary of the State Treasurer, which were severally read the first time and ordered to a second reading.

Mr. Acklin, from Judiciary committee, reported adversely

on the bill for the relief of the heirs and legatees of Richard M. Manly, deceased, of Tallapoosa county.

Said report was concurred in.

Mr. Patton, from the committee on Inland Navigation, reported favorably on the bill to amend the charter of the Mississippi, Gainesville and Tuskaloosa Railroad Company.

The bill was ordered to a third reading.

Mr. Jemison moved to amend by engrossed ryder, which was adopted and the bill passed.

The bill to change and regulate the time of holding the Circuit Court in the counties of Marshall and Jackson, was read the third time and passed.

The bill to make Elizabeth C. Hill, of Cherokee county, a free dealer, was read the third time.

The Senate refused to pass the bill.

Yeas 12 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Bethea, Bradford, Felder, Jenkins, Kimball, Malone, Nelson, Peterson, Searcy, Webb and Thos. Wilson

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Ashley, Bacon, Brindley, Gay; Hobdy, Jemison, H. C. Jones, E. P. Jones, Patton, Powell, Prince, Taylor and B. F. Wilson.

The bill to amend section 5, of a certain act therein named, was read the second time and referred to the committee on the Judiciary.

The bill for the relief of William C. Thomas, of Marshall county, was read the second time and referred to the committee on Accounts.

Message from the House by Mr. Chapman.

Mr. President :

The House of Representatives has passed a bill to regulate the fees of the Probate Judge of Cherokee county, in issuing marriage license. Also,

Joint Resolutions proposing a cession of a part of West Florida to Alabama.

Message from the Governor, by Mr. Catlin, his Secretary :

EXECUTIVE DEPARTMENT, }
Montgomery, December 10, 1855. }

To the Senate :

The bill to be entitled " An act to incorporate the Florence Synodical Female College," appears, to my mind, to be an act already provided for by the general law on the subject of

corporations for the purposes of education. It is, therefore, in the class of unnecessary and special legislation, which has heretofore so taken up the time of the Legislature from the consideration of matters of general interest, extending the length of the session, multiplying laws and increasing the general expenditure.

If this bill be necessary to correct a defect in the general law on the subject—which it seems intended to do—the proper mode of correction would be to amend the general law, and to so amend it as not only to provide for the defect in the case now presented, but for all others of a similar character which may hereafter arise.

One would think, from the number of colleges, academies, manufacturing and railroad companies, which have been chartered by our Legislature, that we were the most learned and prosperous people in the South, but, unfortunately, they exist in most cases only in the legislative proceedings.

I look upon all such special legislation as not only unnecessary, but pernicious, to the public welfare. With a knowledge of my opinions on such legislation, I am not expected by my constituents to become a party to it. I, therefore, decline to approve the bill. Respectfully,

JOHN A. WINSTON.

The bill specified in the message, was reconsidered by the Senate, and the question—"shall the bill pass notwithstanding the Executive veto?"

The vote stood: yeas 23; nays 5.

Those who voted in the affirmative, are:

Messrs. Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Gay, Hatcher, Hewlett, Hobdy, Jemison, Jenkins, Jones of Franklin, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are:

Messrs. Bacon, Brindley, Felder, Jones of Fayette and Thomas Wilson.

Ordered that the bill be sent to the House.

The bill to declare Catharine Parish, of Henry county, a free dealer, was read the second time and referred to the committee on the Judiciary.

The bill from the House to regulate the fees of the Probate Judge of Cherokee county, in issuing marriage licenses, was read the first time and ordered to a second reading.

Joint resolutions in regard to a cession of a part of West Florida to Alabama, was read the first and second times and referred to the committee on Federal Relations.

Mr. Bradford introduced a bill to repeal section 1982 of the Code of Alabama, which was read the first time and ordered to a second reading.

Mr. Powell introduced a bill to change the mode of appointing the Physician in the Penitentiary, which was read the first and second times, and referred to the committee on the Penitentiary.

Mr. Cocke introduced a bill for the relief of Registers in Chancery, which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Acklin introduced a bill for the relief of certain persons therein named, citizens of Madison county, which was read the first and second times and referred to the committee on the Judiciary.

On motion of Mr. Taylor,

Resolved, That the committee on Federal Relations be, and they are hereby instructed to enquire into the expediency of authorizing the Governor of this State to appoint some suitable person to bear the joint resolutions of the Legislature of Alabama, if any be passed, to the Legislature of Florida, and urge the cession of that portion of the territory of that State asked for by the resolutions.

Mr. Bacon introduced a bill to establish a Medical Board in the county of Chambers.

Mr. Felder introduced a bill to incorporate the Jackson Guards in Autauga county.

Mr. Peterson introduced a bill to make owners of slaves responsible for services rendered by physicians to said slaves;

Which were severally read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 12, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. President laid before the Senate the census returns from Tallapoosa county, which was referred to the committee on Apportionment.

The bill to establish a Medical Board in the county of Chambers, was read the second time and ordered to a third reading.

Mr. Brindley reported unfavorably on the bill to prevent the destruction of fish.

The report was concurred in.

Mr. Bethea presented the petition of Valey Petit for the emancipation of Robinson Instant, which was referred to the committee on the Judiciary.

Mr. Brindley, from the committee on Propositions and Grievances, to whom was referred the bill for the relief of Jane Cothran, of Perry county, reported favorably, and the bill was ordered to a third reading.

Mr. Brindley, from the same committee, to whom was referred the bill for the relief of Samuel Morris, a free person of color, reported the same, and recommended its passage.

Mr. Brindley, from the same committee, to whom was referred the bill for the relief of Elisha J. Greer, of the county of Tallapoosa, reported the same as improperly referred.

The report was concurred in, and the bill referred to the committee on Accounts.

Mr. Acklin moved to lay the report and the bill on the table, which was lost.

The Senate refused to order the bill to a third reading.

Yeas 6 ; nays 21.

Those who voted in the affirmative, are :

Messrs. Ashley, Brindley, Jones of Fayette, Searcy, Wilson of Jackson and Wilson of Pickens,

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bacon, Bradford, Cocke, Felder, Gay, Hatcher, Hobdy, Jenkins, H. C. Jones. Kimball, Malone, Nelson, Patton, Peterson, Powell, Prince. Taylor and Webb.

Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed bills of the following titles

An act amendatory of an act, approved February 4, 1852, entitled an act to authorize the sale of the stock held by the State in the Bank of Mobile.

To provide for the registration and burning of certain notes of the State Bank and Branches now in the Treasury.

To incorporate the Gainsville Insurance Company.

Also, joint resolutions to adjust the cash balance in the office of the Comptroller, so as to correspond with the actual balance in the Treasury on the 30th September, 1855.

Mr. Acklin, from the committee on the Judiciary, to whom was referred the petition of sundry citizens of Cherokee county, praying the Legislature to pass a law authorizing the wife of David Covington to transfer her dower interest, and make title thereto, in land heretofore sold by her husband, reported

that it would be inexpedient to pass the law asked for in said petition.

The report was concurred in.

On motion of Mr. Wilson of Pickens,

Resolved, That Judiciary committee are instructed to enquire into the expediency of altering and amending the law regulating the fees of Judges of Probate in the settlement of insolvent estates.

Mr. Jenkins introduced a bill to change the mode of electing the County Treasurer of Monroe county, which was read the first time and ordered to a second reading.

Mr. Jenkins also introduced a bill to regulate the fees of Clerks of the Circuit Courts and Sheriffs of this State.

Mr. Searcy introduced a bill to establish a Board of Botanic Physicians in the State of Alabama;

Which were severally read the first and second times and referred to the committee on the Judiciary.

Mr. Felder introduced a bill to amend the charter of the Montgomery and West Point Railroad Company, which was read the first time and ordered to a second reading.

Mr. Nelson introduced a bill to amend the law on the assessment of taxes on real estate, which was read the first and second times, and referred to the Finance commsttee.

The resolutions heretofore offered by Mr. Baker, on the subject of foreign immigration, &c., were postponed until Thursday, the 20th instant, and made the special order for 11 o'clock, A. M., of that day.

A message from the Governor by his Private Secretary, Mr. Catlin:

EXECUTIVE DEPARTMENT, }
Montgomery, December 11, 1856. }

To the Senate:

I return to the Senate, in which it originated, a bill to be entitled an "act to incorporate the Huntsville Hotel Company."

This is a bill of fourteen sections, and very improperly adds to the volume of the laws, when the object in view could be attained in a much easier way. It is of that character of special and local legislation which has grown upon the statute books, of late years, to such an extent as to become a crying evil. The general law on corporations would, by a fair construction, cover the propositions of the bill. The parties, under the statute of limited partnership, could obtain the objects intended to be obtained by the bill. If any legislation at all

on the subject be necessary, it will be much easier accomplished by amendment to the general law on the subject of corporations so as to include hotels; and, at the same time, avoid the necessity of bills of a similar character for other localities.

Section nine of the bill provides, "that the said Board of Directors shall not have power, by any act of theirs, to bind any stockholder beyond his stock and the issues and profits thereof." This section is, to my mind, objectionable on its face. The stockholders and directors may contract debts to four-fold the amount of the stock subscribed, in the construction of the building, whilst the bill provides that there shall be none of the parties liable for the obligations so entered into for their benefit. This might result very injuriously to innocent and honest creditors.

Being unable to appreciate the propriety or necessity for such partial legislation, when it is so easy to attain by better means the end proposed, I cannot become a party to it. I therefore withhold my approval.

JOHN A. WINSTON.

The Senate proceeded to reconsider the bill specified in the message.

Mr. Jemison moved to postpone the further consideration of the subject until to-morrow.

Carried.

The bill to amend the charter of the Mississippi, Gainsville and Tuscaloosa Railroad Company, was read the third time and passed.

The vote ordering the bill in relation to warehouse keepers to a third reading, was reconsidered, and the bill referred to a select committee consisting of Messrs. Wilson of Pickens; Jemison and Taylor.

The Senate bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches, was laid on the table.

The bill to incorporate the Jackson Guards, in Autauga county, was read the second time and referred to the committee on the Military.

The House bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches, was read the first and second times, and made the special order for Saturday next, 12 o'clock.

The bill amendatory of an act, approved 4th of February, 1852, entitled an act to authorize the sale of the stock held by

the State in the Bank of Mobile, was read the first and second times forthwith.

Mr. Jemison moved a further suspension of the rule, in order to give the bill a third reading forthwith.

Lost.

Yeas 15 ; nays 7.

Those who voted in the affirmative, are :

Messrs. Acklin, Bethea, Cocke, Hatcher, Jemison, Jenkins, Jones of Franklin, Jones of Fayette, Patton, Peterson, Prince, Searcy, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. President, Abernathy, Bacon, Bradford, Gay, Powell and Wilson of Jackson.

The House bill to regulate the fees of the Probate Judge of Cherokee county, in issuing marriage licenses, was read the second time and referred to the committee on the Judiciary.

The House bills :

To adjust the cash balance in the office of Comptroller, so as to correspond with the actual balance in the Treasury on the 30th September, 1855; and

To incorporate the Gainesville Insurance Company ;

Were severally read the first time and ordered to a second reading.

The bills :

To establish a Medical Board in the county of Chambers ;

To increase the salary of the State Treasurer ; and

To make owners of slaves responsible for services rendered by physicians to said slaves ;

Were severally read the second time and ordered to a third reading.

The joint resolutions to adjust the cash balance in the office of Comptroller of Public Accounts so as to correspond with the actual balance in the Treasury, &c., were laid on the table.

The bill to repeal section 1982 of the Code, was read the second time, and referred to the committee on the Judiciary.

On motion of Mr. H. C. Jones,

Resolved, That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House, to make suitable arrangements for the inauguration of the Governor on the 20th instant.

Messrs. H. C. Sones, Malone and Felder were appointed on said committee on the part of the Senate.

The bill for the relief of Lucy J. Armstrong, and for other purposes, was taken from the table.

The Senate refused to order the bill to a third reading.

And the Senate adjourned until 10 o'clock to-morrow morning.

DECEMBER 13, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

G. W. Gunn, the Senator elect from the county of Macon, appeared within the Senate chamber, was qualified, and took his seat.

Mr. Kimball presented a petition from sundry citizens of Tallapoosa county, in regard to peddling, which was referred to the committee on Finance.

Mr. Acklin, from the committee on the Judiciary, to whom was referred the bill for the relief of Nathaniel Hillion, of Jackson county, and also the account of Martin Cole, of Madison county, reported a substitute, which was adopted, and the bill ordered to a third reading.

Mr. Acklin, from the same committee, to whom was referred the bill regulating the interest of money loaned by guardians for their wards, reported unfavorably, and the report was concurred in.

Mr. Taylor, from the committee on the Judiciary, reported unfavorably on the bill to regulate the fees of the Probate Judge of Greene county.

The report was concurred in.

Mr. Malone, from the same committee, to whom was referred the bill to regulate the School Fund of township 17, range 17, in Autauga county, reported unfavorably, and the report was concurred in.

The bill amendatory of an act, approved February 1, 1852, entitled an act to authorize the sale of the stock held by the State in the Bank of Mobile, was taken up.

The vote ordering said bill to a third reading was reconsidered, and the bill laid on the table.

Mr. Cocke introduced a bill to give executions in Justices' Courts priority in certain cases.

Mr. Hobdy introduced a bill for the relief of J. C. Newberry, of Pike county.

Mr. Taylor introduced a bill to amend the charter of the town of Eutaw, in the county of Greene.

Said bills were severally read the first and second times, and referred to the committee on the Judiciary.

Mr. Baker introduced a bill to burn the bills of the State Bank and Branches which may be in the Treasury on the 1st

day of January, 1856, which was read the first and second times, and referred to the committee on Finance.

The bill for the relief of Jane Cothran, of Perry county, was read the third time and passed.

The vote ordering the bill to make the owners of slaves responsible for services rendered by physicians to said slaves to a third reading, was reconsidered, and the bill referred to the Judiciary committee.

Mr. Bether, from the committee, to whom was referred that part of the Governor's message relating to the Insane Hospital, made the following

R E P O R T :

The committee on Finance, to whom was committed that portion of the Governor's message relating to the "Insane Hospital," and the report of the Trustees of said Hospital, have had the same under consideration, and after due deliberation and investigation of the subjects referred, by reference to the original act establishing "a Hospital for insane persons in Alabama," the message of the Governor, the reports of the Trustees, the plan of buildings and improvements adopted, the report of the Architect, accompanied by his full explanation before the committee, as to said buildings and improvements, their capacity, present condition, and his estimate for the final and entire completion, I am instructed to report :

1st. The site for said Institution, was selected and purchased by Commissioners appointed by law for that purpose, which site as far as appears to your committee, combines all the advantages and requisites, prescribed in the original act.

2d. The Trustees appointed to contract for and cause to be erected, the necessary buildings and improvements, after adopting the plan submitted and recommended by the Physician, appointed under the act for that purpose, proceeded to let certain portions of the main building to contract, not wishing to bind the Institution to the payment of a larger sum than had been placed at their disposal. The plan adopted and contracts made, were in the opinion of your committee very properly, in reference to future and further appropriations, as the sum appropriated was itself uncertain, and the amount placed at the disposal of the Trustees, wholly inadequate to erect and complete such buildings and improvements as the act prescribed and required ; such being the case and the limitation to their expenditure being only "until other-

wise ordered," the conclusion that the appropriation made would be increased, as required during the progress of the work, was natural on the part of the Trustees.

3d. The plan adopted in its ultimate capacity, will accommodate only two hundred and fifty patients, and is in the opinion of the committee, not only within the authority of law, but in strict conformity to the 8th section of the act, and is not larger than the wants of the State require ; there being in the State according to our late census returns, many more of that class for whose benefit it was designed than it can accommodate.

4th. The contracts as far as let, have been as favorable and economical as could have been expected and agreeable to prices paid, and the estimate of the Architect for the final completion, will bring the final and entire cost of said Hospital within the usual cost of similar buildings of like plan, dimensions and accommodations.

5th. The entire completion of the buildings and improvements, including costs of Steam Engine, Tank Pipes, Gas fixtures, &c., agreeable to the plan and specifications adopted, will require a further sum of about one hundred and fifty thousand dollars, the appropriation of which sum, your committee unanimously recommend as directed and provided for in the accompanying bill.

T. B. BETHEA,
Chairman.

Ordered that 133 copies of the report and bill be printed for the use of the Senate.

Message from the House by Mr. Chapman.

Mr. President :

The House of Representatives has originated and passed bills of the following titles :

An act to authorize the Governor to issue a patent to Sewell Gregory ;

Also, an act to incorporate the Tuskegee Insurance Company.

Mr. Bacon, from the committee on Public Printing, made the following

R E P O R T :

The committee on Public Printing, to whom was referred the petition of Brittan & Blue, in relation to a sum of money withheld from them as Public Printers by the Comptroller, for work done under their contract at the Session of 1853 and 1854, have intructed me to report :

That they have thoroughly investigated the facts of the case and have come to the conclusion that the sum claimed by them is justly due, and should be paid. It appears that the difference between the Public Printers and the Comptroller was, that they claimed that eight pages of printed matter constituted what is known in the Code as a "common octavo form," while the Comptroller claimed that "sixteen pages" was the proper number. Under the construction of the printers, the Comptroller has paid all bills for work during the Session up to the one under which they now claim, among them the bill for printing the Treasurer's report; and it appears that the bill in controversy was for the largest and most extensive job ordered by the Legislature for years—that involved a large outlay of money by the printers to execute it—that they were compelled to have a portion of the money to meet their liabilities—they consented to a settlement of the account in accordance with the views of the Comptroller.—They alledge that they did this under the force of necessity, and under a firm conviction that their original charge for the work was just, in accordance with law and their contract to execute the Public Printing; and that the present Legislature would award them their full pay in order to fortify their construction of what constitutes an "octavo form," known as a "common octavo form," and under which construction they made their estimates and calculations upon which their contract for the Public Printing was based; and under which, as already stated, the Comptroller paid them several bills previous to the one in question. They wrote to many eminent printers and publishers in the country, and received a mass of corroborating testimony which has been examined by your committee, and which has led them to the conclusion that it is just and should be paid, some of which they herewith submit and ask that it may be read, and also the affidavits from the foremen of the principal printing establishments in the United States.

In this report, the committee intend no reflection upon the course of the Comptroller—it was a simple and honest difference of opinion in which your committee think the weight of testimony support the contractors for the job. The committee therefore recommend the adoption of the accompanying resolution.

All of which is respectfully submitted.

E. J. BACON,
Chairman.

The undersigned begs leave to dissent from the report made by the majority of the committee on Public Printing, upon the resolution in reference to the claim of Brittan & Blue, State Printers, for the following reasons :

It is contended by a majority of the committee that the only issue between the Comptroller of Public Accounts and the State Printers grew out of a misunderstanding as to the true definition of the term, "common octavo form," as used in the Code of Alabama. That this misunderstanding consisted in the Public Printers contending that "octavo form" meant "*eight pages*," while the Comptroller insisted that it meant "*sixteen pages*." The majority of the committee are sustained in this position by the statement of the Public Printers, who set forth in their petition that a difference of understanding between themselves and the Comptroller as to the meaning of the particular term above stated, made up the issue between them in the settlement of their account, whereby they lost a large sum of money, to which they are rightfully entitled. On the other hand, the Comptroller distinctly stated to the committee that *no such issue was made* between himself and the State Printers in the settlement of this account, nor was such issue made either in the settlement of this account or upon any other settlement, nor did he ever hear the question raised until subsequent to an arbitration, which will be hereafter more fully explained—that he only objected to their account for printing his (Comptroller's) report,—which was the subject matter in controversy,—upon the simple ground, that *the account was "too large."* That upon this single issue it was mutually agreed between himself and the State Printers that they would refer the whole matter to arbiters of disinterested practical printers, and abide their decision. Under this agreement the whole question was referred and the arbiters, not the Comptroller, docked the account, as originally presented, to the amount of one thousand five hundred and fifty-five dollars and twenty cents, which is the sum now claimed. The undersigned will here suggest that even upon the face of the amended account, as made out by the arbiters, there is no evidence that THEY curtailed the original account upon a difference of opinion, from the State Printers, as to the definition of the term "octavo form"—the term "octavo form" not even occurring in the *amended account*. It is taken for granted, that if the arbiters scaled the account in controversy upon this ground, evidence of the fact should and would have been presented to the committee, as it is known that both of the arbiters are now residing in the city of Mont-

gomery. The absence of this testimony goes far to sustain the position of the Comptroller *that the only issue* submitted for arbitration was, as stated in his testimony before the committee, "*that the account, was too large.*"

The papers in possession of the committee fully set forth, that the arbitration referred to, was regularly gone into, and that upon the award of the arbiters the Comptroller made, in due form, a full and final settlement of the account in controversy. That the parties claiming are hereby legally estopped from all remedy, it is presumed will not be controverted. The question remains to be disposed of. Have they an equitable claim upon the State? If the Comptroller be correct as to the true issue—the *general character* of the account—submitted for arbitration, it cannot be contended, for a moment, that there is the slightest shadow of justice in the claim set up by the State Printers.

But the undersigned will now consider the question upon the hypothesis, that the majority of the committee are correct as to the real issue made between the State Printers and the Comptroller. They contend the difference of opinion arose upon the definition of the term "octavo form," the Comptroller insisting that an "octavo form" contained sixteen pages, instead of eight. It is admitted then, *for the sake of the argument alone* that this is the real issue to be determined. Now to the proof. It is conceded that the State Printers have presented the evidence of a number of eminent practical printers, sustaining their view of the meaning of "octavo form." Their testimony is confined alone to that of practical printers. On the other hand, it is in evidence that not only practical printers of the highest order sustained the opposite construction of this controverted term, but that the most learned Lexicographers—those whom we have been accustomed to regard as the standards upon these questions—concur in the definition that "octavo form" means 16 pages. The two printers who arbitrated the claim now in controversy—no less eminent for their integrity as gentlemen than their high attainments as practical printers—are both understood to concur in the definition last given. From facts which have been drawn forth in this investigation, it is not doubted that with but little effort, almost any amount of testimony could be obtained from practical printers sustaining this same definition. But now to those distinguished Lexicographers whose decisions are ordinarily final on all subjects of this character. *Worcester* gives the meaning of "octavo" to be, "having eight leaves to a sheet." Webster defines "octavo" "a book

or form in which a sheet is folded into *eight leaves*." Both agreeing that "octavo" means "*eight leaves*," and eight leaves make 16 pages as a matter of course. Thus it will be seen that making this whole matter turn upon *this issue*—and in this lies the only hope of the claim—the evidence, at best, is not even *ballanced*, and the case therefore not made out by any just rule of law or equity.

Another point raised by the testimony presented by Comptroller when before the committee is deemed worthy the consideration of the Senate. That officer stated that at the time of the settlement of the account, out of which this controversy arose, he was clearly of opinion the Public Printers were not entitled to receive pay under the new contract, as contained in the Code, which did not go into effect until about the 1st December, 1853—the printing of this particular report having been ordered about the 17th of the previous November, when the old contract was in existence. That in this opinion the Attorney General originally concurred but was subsequently led to reverse his decision. The Comptroller, against his own judgment, deferred to this second opinion of the Attorney General, and settled with the State Printers upon the terms of the new contract. Now, if the Comptroller was correct in his construction of the law—which is a question equally open as the one already made upon this claim—the most casual comparison of the rates of the old contract with those of the new, will elicit the fact that the State Printers have, already been largely overpaid.

It should have been stated earlier in reference to the assumption on the part of the majority of the committee that the Comptroller had paid other accounts when estimates had been made upon the basis of eight pages to an "octavo form." That officer states he is not aware that he ever paid any such accounts and repeated that no issue upon this point had ever, on the settlement of any account, been raised between him and the State Printers.

For the facts and reasons thus hastily presented, the undersigned is of opinion the claim of Brittan & Blue *ought not to be allowed*. In conclusion he respectfully submits one other reason, general in its application, to this and all similar questions, which he thinks must forcibly commend itself to the consideration of the Senate. The revision by the Legislature of settlements made by the officers of the State, where they have no personal interests to subserve—where it is made their particular duty to examine and weigh carefully all the facts of each particular case presented, and whose sworn obligations

only require them to do simple justice to the State, involves the establishment of a precedent to say the least, of *most questionable policy*, and one which must entail upon the General Assembly an interminable amount of perplexity and trouble, All of which is respectfully submitted.

WM. A. ASHLEY.

Mr. H. C. Jones moved to postpone the whole subject until Tuesday next, and make it the special order for 11 o'clock, A. M., of that day.

Carried.

Mr. H. C. Jones, from the committee on Divorce and Alimony, reported favorably on the bill to divorce Cornelia Brennan from her husband, John E. Brennan, and other persons therein named.

The bill was ordered to a third reading.

The Senate proceeded to the consideration of the bill to incorporate the Huntsville Hotel Company; said bill having been vetoed by the Governor, and on the question, "shall the bill pass, notwithstanding the Executive veto?"

The vote stood: yeas 25; nays 3.

Those who voted in the affirmative, are:

Messrs. Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Brindley, Cocke, Felder, Gunn, Hatcher, Hewlett, Hobdy, Jemison, Jenkins, E. P. Jones, H. C. Jones, Kimball, Malone, Patton, Peterson, Powell, Prince, Searcy and Taylor.

Those who voted in the negative, are:

Messrs. Abernathy, Gay and Thomas Wilson.

Ordered that the bill, with the objections of the Governor, be sent to the House of Representatives.

The bill to increase the salary of the State Treasurer, was read the third time and passed.

Yeas 17; nays 9.

Those who voted in the affirmative, are:

Messrs. Abernathy, Acklin, Bacon, Bethea, Bradford, Felder, Gay, Hobdy, Jemison, Jenkins, Jones of Franklin, Patton, Powell, Prince, Searcy, Taylor and B. F. Wilson.

Those who voted in the negative, are:

Messrs. Ashley, Baker, Cocke, Gunn, Hatcher, Hewlett, E. P. Jones, Peterson and Thomas Wilson.

The bill to amend the charter of the Montgomery and West Point Railroad Company, was read the second time and ordered to a third reading.

The joint resolutions to adjust the cash balance in the office of Comptroller, &c., was read the second time and ordered to a third reading.

The bill to incorporate the Gainesville Insurance Company, was read the second time and referred to the committee on the Judiciary.

The bill amendatory of an act, approved 4th February, 1852, entitled an act to authorize the sale of the stock held by the State in the Bank of Mobile, was taken from the table ; whereupon,

Mr. Bradford, by leave of the Senate, offered the following preamble and resolution :

WHEREAS, The President and Directors of the Bank of Mobile have failed to comply with the contract made with the Commissioner and Trustee of the State of Alabama, and for the purchase of the stock of the State in said Bank, and whereas said Bank stock is now worth about 20 per cent. per annum:

Be it therefore resolved, That the committee on Finance be instructed to inquire into the expediency of annulling or cancelling the contract made by said Commissioner with the President and Directors of said Bank for the sale of said stock ; and requiring the said Commissioner and Trustee to demand from said Bank or any one else purchasing said stock, the premium the same may be worth in the market at the present time, or at the time the same may be sold.

Ordered that the bill, resolution and contract, be referred to the Finance committee.

The Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER, 14, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Baker, from the committee on the Judiciary, to whom was referred the bill to repeal sections 85, 86 and 87 of the Code of Alabama, reported that it was inexpedient to pass the bill, as it proposes to abrogate the subsisting contract between the State and the present State Printers.

Mr. Bacon moved to lay the report on the table.

Lost.

The report was concurred in.

Mr. Acklin reported favorably on the bill to revise and amend the charter of the town of Eutaw, in the county of Greene.

The bill was ordered to a third reading.

Mr. Acklin reported favorably on the bill to amend section 5, of a certain act therein named.

The bill was ordered to a third reading.

Mr. Acklin reported unfavorably on the bill to declare Catharine Parish, of Henry county, a free dealer.

The report was concurred in.

Mr. Acklin reported favorably on the bill for the relief of Registers in Chancery.

The bill was ordered to a third reading.

Mr. Acklin, from the same committee, reported favorably on the bill to regulate the fees of Probate Judge of Cherokee county, in issuing marriage license.

The bill was ordered to a third reading.

Mr. Malone reported unfavorably on the bill to repeal section 1982 of the Code.

The report was concurred in.

Mr. Bethea reported favorably on the bill amendatory of an act, approved February 4, 1852, entitled an act to authorize the sale of the stock held by the State in the Bank of Mobile.

The bill was read the third time and passed.

Yeas 22 ; nays 3.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Cocke, Gunn, Hatcher, Hewlett, Jemison, Jenkins, Jones of Franklin, Jones of Fayette, Malone, Nelson, Patton, Peterson, Prince, Searcy and Taylor.

Those who voted in the negative, are :

Messrs. Bradford, Gay and Wilson of Jackson.

Mr. Taylor reported unfavorably on the bill to establish a Board of Botanic Physicians in the State of Alabama.

The report and bill were laid on the table.

The bill was subsequently taken from the table, and after the adoption of several amendments, was ordered to a third reading.

Message from the House by Mr. Chapman.

Mr. President :

The House has concurred in the resolution of the Senate, appointing a committee to make suitable arrangements for the inauguration of the Governor, on the 20th instant.

Messrs. Jackson, Davis and Thornton composed said committee on the part of the House.

The House has also passed the following resolution :

Resolved, (The Senate concurring,) That the two Houses will assemble in the hall of the House at 12 o'clock, M., of this day to elect Trustees of the University, to fill the vacancies of Turner Reavis and Alexander Bowie

The resolution of the House was concurred in.

Mr. Peterson presented the account of Aaron Burleson, which was referred to the committee on Accounts.

Ordered that Mr. Gunn be added to the committee on the Judiciary, the committee on Education and the committee on Printing.

On motion of Mr. Patton,

Resolved, That the committee on Apportionment, raised to divide the State into Senatorial Districts, shall by the enumeration of the Census returns for 1855, lay off the State into thirty-three Senatorial Districts, as nearly equal as the number of white inhabitants may be, each of which District shall be entitled to one Senator and no more, and that said committee be instructed to apportion one hundred Representatives among the several counties, cities or towns, entitled to separate representation, according to the respective number of white inhabitants.

Message from the House by Mr. Elmore.

Mr. President :

The House has reconsidered and passed, by the constitutional majority, the bill to authorize the Court of County Commissioners of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company, which originated in and passed the House of Representatives, and to which bill Governor Winston refused his approval, with his objections thereto.

Mr. Gunn introduced a bill to authorize the Court of County Commissioners of Macon county, to establish additional places of voting in said county.

Also, a bill to improve the Supreme Court Library, which were severally read the first and second times, and referred to the committee on the Judiciary.

The bill to authorize the completion of the final records of the Circuit Court of the county of Madison, was taken from the table and referred to the committee on the Judiciary.

Mr. President (Mr. Acklin in the chair) introduced bills to compel witnesses to testify in foreign suits, which was read first and second times and referred to the committee on the Judiciary.

The bill to authorize the Court of County Commissioners of Madison and Jackson counties, to pay certain persons for services therein named, was read the third time and passed.

The joint resolution to adjust the cash balance in the office of the Comptroller, so as to correspond with the actual ba-

lance in the Treasury on the 30th September, 1855, was read the third time and passed.

The hour of 12 o'clock having arrived, a message was received from the House, inviting the Senate into the hall of the House, to elect Trustees of the University, in accordance with the resolution of this morning.

The Senate repaired to the hall of the House, and the two Houses proceeded first to elect for the 7th Judicial Circuit.

Hon. Thomas McC. Prince, of Choctaw county, and W. L. Stancil, of Pickens, being in nomination.

Those who voted for Mr. McC. Prince, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Coker, Felder, Gay, Gunn, Hatcher, Hewlett, Hobdy, Jemison, Jenkins, Jones of Franklin, Lamar, Malone, Nelson, Patton, Peterson, Searey and Taylor, of the Senate ; House—Messrs. Speaker, Acree, Barry, Battle, Beavers, Bernhard, Beck, Belser, Bradley, Brown of Marion, Burgess, Byrne, Camp, Chapman, Clanton of Montgomery, Cochran, Critcher, Cunningham, Davis, Dawson, Echols, Ellis of Blount, English, Galloway, Gilmore, Haden, Hobbs, Howard, Jay, Larkins, Little, Maples, McClanahan, McMullen, Milligan, Miree, Moragne, Moorer, Nicholson, Odem, Peddy, Powell, Pryor, Pynes, Reid, Rhodes, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Sykes, Thornton, Thorn, White, Withers, Wright and Woolsey—82.

Those who voted for Mr. Stancil, are :

Messrs. Jones of Fayette and Wilson of Jackson, of the Senate ; House—Messrs. Alford, Bishop, Brown of Tuscaloosa, Carpenter, Crawford, Curry, Ellis of Benton, Fowler, Garleck, Goode, Graham, Grubbs, Hancock, Jackson, Jones, King, Kirkland, Lynch, Menasco, McBride, McConnell, Nabors, Pennington, Portis, Remson, Rice, Sanford, Shackelford, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Williams and Wood—38.

Mr. McC. Prince having received a majority of all the votes cast was declared by Mr. Speaker, to be duly and constitutionally elected Trustee of the seventh Judicial Circuit, for the term prescribed by law.

The convention then proceeded to the election for the ninth Judicial Circuit.

Mr. James T. Brock, of Chambers county, being alone in nomination, and having received all the votes cast, (one hundred and ten,) except Messrs. Beavers, Browder, Ellis of

Blount and Fowler, who voted for Menasco, and Mr. Smith of Franklin, who voted for Mr. Brown of Marion.

Mr. Speaker declared Mr. Brock elected Trustee of the University for the ninth Judicial Circuit, for the time prescribed by law.

The Senate returned to its chamber, and proceeded to reconsider the bill to authorize the Court of County Commissioners of Limestone county, State of Alabama, to subscribe to the capital stock of the Tennessee and Alabama Central Railroad Company—said bill having been vetoed by the Governor; and,

On the question. “shall the bill pass, notwithstanding the Executive veto?”

The vote stood: yeas 23; nays 5.

Those who voted in the affirmative, are:

Messrs. Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Cocke, Gunn, Hatcher, Hewlett, Jenkins, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Prince, Searcy and Taylor.

Those who voted in the negative, are:

Messrs. President, Felder, Gay, Jemison and Thomas Wilson.

Ordered that the bill be returned to the House of Representatives.

Message from the House of Representatives by Mr. Elmore.

Mr. President:

The House has passed a Senate bill to incorporate the Florence Synodical Female College, by the constitutional majority, which Governor Winston vetoed.

The Senate bill—

To amend the charter of the Montgomery and West Point Railroad; and,

The House bill to divorce Cornelia Brennan from her husband, John E. Brennan, and other persons therein named, were severally read the third time and passed.

The bill to change the mode of electing the County Treasurer for the county of Monroe, was read the second time and referred to the committee on the Judiciary.

The bills from the House to incorporate the Tuskegee Insurance Company, and to authorize the Governor to issue a patent to Sewell Gregory, were severally read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 15, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Acklin, from the Judiciary committee, to whom was referred the bill to regulate the fees of the Clerk of the Circuit Courts and Sheriffs of this State, reported it as inexpedient to pass the bill.

The report was concurred in.

Mr. Acklin, from the same committee, to whom was referred the bill for the relief of J. C. Newberry, of Pike county, reported it as inexpedient to pass the bill.

The report was concurred in.

Mr. Acklin, from same committee, to whom was referred the bill to authorize Judges of Probate to partition estates in common, reported the bill with an additional section as an amendment, and recommend its passage.

The amendment was adopted, and the bill or report laid on the table.

Mr. Thomas Wilson, from committee on Accounts and Claims, to whom was referred the bill for the relief of Wm. C. Thomas, of Marshall county, reported favorably on the bill.

The bill was ordered to a third reading.

Mr. Kimball, from committee on Enrolled Bills, reported as correctly enrolled, the following House bills :

To extend the time of holding the Circuit Courts, in the county of Greene ;

To repeal an act therein named ;

To prevent the hunting of wild hogs in the county of Greene ;

To regulate patrol duty in Tuskaloosa county ;

To regulate the summoning of Jurors in Marshall county ;

To divorce Gabriel Lovvom from his wife, Mary Lovvom ;

To amend section 1162 of the Code, so far as Macon county is concerned ;

To repeal section 930 of the Code ;

To fix the pay of Judges and Sheriffs of Hancock county ;

To divorce certain persons therein named ;

To allow the Clerk of the Circuit Court of Perry county, a longer time within which to issue executions ;

To fix the pay of Probate Judges and Sheriffs of Fayette county ;

To make Sarah Ann Clark, of the county of Morgan, a free dealer ;

For the relief of John Wilson and Charles P. Samuel ;

To amend the charter of the town of Tuskegee ;
 For the relief of Robert A. Johnston, administrator, &c. ;
 To extend the jurisdiction of the Judges of Probate Court of Greene county ;

To change the pay of Jurors of Butler county ;

To authorize the Sheriff of Blount county, to execute Constable duty in civil cases ;

For the protection of Telegraph lines, and for other purposes ;

To amend the several acts incorporating the town of Tusculum, in Franklin county ;

To repeal an act therein named, and for other purposes ;

To regulate the drawing and paying of Grand and Petit Jurors, in the county of Hancock.

Mr. Gunn, from the Judiciary committee, to whom was referred the bill to give executions in Justices' Courts priority in certain cases, reported it as inexpedient to pass the bill.

The bill and report were laid on the table.

Mr. H. C. Jones, from the committee on the Judiciary, to whom was referred the bill to amend sections 174, 175, 177, 178, 179 and 181 of the Code, reported that it was inexpedient to pass the bill.

Mr. President (Mr. Patton in the chair) moved to lay the report on the table, which was lost.

The question recurred on concurring in the report.

The Senate refused to concur.

Yeas 15 ; nays 17.

Those who voted in the affirmative, are :

Messrs. Acklin, Ashley, Bacon, Brindley, Felder, Gay, Hewlett, Hobdy, Jenkins, Jones of Franklin, Jones of Fayette, Malone, Peterson, Taylor and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. President, Abernathy, Bethea, Bradford, Cocke, Gunn, Hatcher, Jemison, Kimball, Lamar, Nelson, Patton, Prince, Searcy, Webb and Thomas Wilson.

Mr. Bethea moved to recommit the bill to the Judiciary committee, with instructions to prepare a bill bringing on the general elections in June or October.

A division of the question being called, it was first taken on referring, and lost.

The bill was postponed till Monday morning at 11 o'clock.

Message from the House, by Mr. Elmore.

Mr. President :

The House has passed joint resolutions with the following titles :

For printing and distributing the report of the State Geologist.

The joint resolutions were read the first and second times and referred to the committee on Agriculture.

The bill from the House for the relief of the administrator of the estate of Caroline Key, late of Russell county, was read the first and second times.

Mr. Baker moved to amend as follows :

“ That the Judge of the Probate Court of Russell county shall receive such compensation as the law allows in other cases, when he is required to make transcripts of the records of his county.”

The bill and amendment were referred to a select committee consisting of Messrs. Baker and Peterson.

The Senate then adjourned until Monday morning at 10 o'clock.

DECEMBER 17, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Message from the House, by Mr. Chapman.

Mr. President :

The House has instructed me to request the Senate to return to the House, where they originated, the joint resolutions on the report of Mr. Tuomey, State Geologist, to which request of the House the Senate is respectfully requested to assent.

The joint resolutions were sent to the House, as requested.

Mr. Acklin, from the Judiciary committee, to whom was referred the House bill for the relief of Patrick May, administrator of the estate of John E. Lipscomb, deceased, reported it inexpedient to pass the bill.

The report was concurred in.

Mr. Acklin, from the same committee, to which was referred the House bill to authorize the completion of the final records of the Circuit Court of Madison county, reported it back with an amendment, and recommended its passage.

The amendment was adopted, and the bill ordered to a third reading.

Mr. Malone, from the same committee, reported favorably on the bill to change the mode of electing the County Treasurer for the county of Monroe, and the bill was ordered to a third reading.

Mr. Thomas Wilson, from the committee on Accounts, reported the bill for the relief of Elisha J. Greer of Tallapoosa county, with an amendment.

The bill and the amendment were recommitted to the same committee, together with the bill for the relief of A. Moore, Tax Collector of Lowndes county.

Mr. H. C. Jones reported unfavorably on the petition of Valey Petit and others, for the emancipation of Robinson Instant.

On motion of Mr. Bethea, the petition was recommitted.

Mr. Baker, from a Select committee, reported favorably on the bill for the benefit of the administrator of the estate of Caroline Key, late of Russell county.

The bill was read the third time and passed.

Mr. Baker, from the Select committee, to which was referred the Joint Resolutions in relation to the death of the Hon. Henry W. Collier, reported the same, and recommended their adoption.

The Resolutions were unanimously adopted.

Mr. Baker introduced a bill to amend an act entitled, an act requiring the Governor to cause patents to be issued to certain land therein named, to Mary Stephens and others, approved February 10, 1852, which was read the first and second times and referred to the committee on Sixteenth Sections.

Mr. Powell introduced a bill to confirm a contract heretofore made, for building a court house in the county of Coosa, which was read the first and second times and referred to the committee on the Judiciary.

Mr. Bethea introduced a bill for the relief of Robinson Instant, which was read the first and second times and referred to the committee on the Judiciary.

Mr. Cocke introduced a bill to amend an act entitled, an act to amend the road law in the counties of Pickens, Autauga, Dale, Henry and Dallas, which was read the first and second times.

Mr. Jemison moved to add the county of Tuskaloosa, which was carried.

Mr. Peterson moved to add the county of Barbour, which was carried.

The bill was read the third time and passed.

Mr. Jemison offered the following resolution :

Resolved, That with the concurrence of the House, the two Houses will adjourn on Friday next, at the hour of 3 P. M., to meet again on Monday, the 7th of January next, at 10 A. M., and that all references, bills, orders, special orders, and all business generally, of the two Houses, or either of them, unfinished at the adjournment on Friday next, shall remain in

force and effect until the said 7th day of January next, and be taken up on and after that day in their regular order.

Mr. H. C. Jones moved to amend, as follows:

Provided: That no member shall receive any mileage or per diem pay during, or in consequence of said adjournment.

Mr. Jemison moved to lay the amendment on the table, which was carried.

Yeas 17; nays 12.

Those who voted in the affirmative are:

Messrs. Acklin, Bacon, Bethea, Bradford, Felder, Hewlett, Jemison, Jenkins, E. P. Jones, Malone, Patton, Peterson, Prince, Searcy and Taylor.

Those who voted in the negative are:

Messrs. President, Abernathy, Ashley, Cocke, H. C. Jones, Kimball, Lamar, Nelson, Powell, Webb, Wilson of Jackson and Wilson of Pickens.

The resolution was then adopted.

Yeas 15; nays 14.

Those who voted in the affirmative are:

Messrs. Bacon, Bethea, Felder, Hatcher, Hewlett, Jemison, Jenkins, Lamar, Nelson, Patton, Peterson, Prince, Searcy, Taylor and Webb.

Those who voted in the negative are:

Messrs. President, Abernathy, Acklin, Ashley, Bradford, Brindley, Cocke, Gay, H. C. Jones, E. P. Jones, Kimball, Malone, Wilson of Jackson and Wilson of Pickens.

Ordered, that the resolutions be sent forthwith to the House.

Mr. Kimball, from the committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, the bill to amend in part the act incorporating the Tennessee and Alabama Railroad Company, approved Dec. 19, 1853; and

The bills—Supplemental to an act relating to the burnt records of Butler county;

To locate permanently the seat of justice in the county of Marion.

Message from the House, by Mr. Elmore:

Mr. President:

The House has reconsidered and passed the Joint Resolutions for printing and distributing the report of the State Geologist.

Mr. Kimball introduced a bill for the benefit of the Secretary of State, which was read the first time, and ordered to a second reading.

Mr. H. C. Jones introduced a bill to amend section 2306 of the Code of Alabama.

Mr. Felder introduced a bill to incorporate the Merchants' Mutual Insurance Company of Montgomery—which were severally read the first and second times forthwith, and referred to the Judiciary committee.

Mr. Peterson introduced a bill to pay Jacob Lampley a certain sum of money, which was read the first and second times and referred to the committee on Accounts and Claims.

Mr. Gay introduced a bill for the relief of Lafayette De-Frieze, which was read the first and second times and referred to the committee on Propositions and Grievances.

The bill to amend the charter of the town of Eutaw, in the county of Greene, was taken from the table, read the third time and passed, and ordered, that the bill be sent forthwith to the House.

The bill to authorize Probate Judges to partition estates in common, was taken from the table and placed amongst the orders of the day.

The special order—it being the bill to amend sections 174, 175, 177, 178, 179 and 181 of the Code, as to the time of elections, was read the third time and lost.

Yeas 7 ; nays 23.

Those who voted in the affirmative are :

Messrs. President, Baker, Bethea, Bradford, Kimball, Nelson and Patton.

Those who voted in the negative are :

Messrs. Abernathy, Acklin, Ashley, Bacon, Brindley, Cocke, Felder, Hatcher, Hewlett, Hobdy, Jemison, Jenkins, H. C. Jones, E. P. Jones, Lamar, Malone, Peterson, Powell, Prince, Taylor, Webb, Wilson of Jackson and Wilson of Pickens.

The House bill, to amend section 5 of a certain act therein named, was read the third time and passed.

The Senate adjourned until to-morrow morning at 10 o'clock.

DECEMBER 18, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Mr. Patton, from the committee on Internal Improvements, reported favorably on the bill to amend a certain act therein named.

The bill was read the third time and passed.

Mr. Patton, from the same committee, reported the bill to incorporate the Mobile and Great Northern Railroad Company, with sundry amendments, which were adopted, and the bill was read the third time and passed.

Message from the House, by Mr. Elmore.

Mr. President :

I am instructed by the House of Representatives to return to your body the Joint Resolutions proposing the printing and distribution of the Geological report of the State Geologist, Professor Tuomey, and to say that they are now in proper form, and to request the concurrence of the Senate in said Joint Resolutions.

Mr. Acklin, from the committee on the Judiciary, to which was referred a resolution to enquire into the expediency of altering and amending the law regulating the fees of the Judges of Probate in the settlement of insolvent estates, reported that it was inexpedient to change the law, as contemplated by the resolution.

Mr. Gunn, from the committee on the Judiciary, reported favorably on the bill to improve the Supreme Court library, and the bill was ordered to a third reading.

Message from the House, by Mr. Chapman.

Mr. President :

The House has concurred in the following Joint Resolution originating in the Senate :

Resolved, That the two Houses will adjourn on Friday next at 3 o'clock, P. M., to meet again on the 7th day of January next at 10 o'clock, A. M., and that all references, bills, orders, special orders, and all business generally, of the two Houses, or either of them, unfinished at the adjournment on Friday next, shall remain in effect and be taken up on and after that day in their regular order.

The House has originated and passed bills of the following titles ;

To divorce Daniel Cannon from his wife, Jane Cannon ;

Change the manner of appointing overseers of roads in Marion and Walker counties ;

To revive an act therein named, and for other purposes ;

To incorporate the Medical College at Mobile ;

To divorce Nancy J. Saunderson from her husband, Alexander Saunderson ;

To change the mode of assessing the tax of Butler county ;

To authorize the Governor to appoint a person to act as his Private Secretary, as police officer for the State Capitol, State Library, and for other purposes ;

To amend section 1065 of the Code.

To allow administrators and executors discretionary power in certain cases ;

To shorten the session of the Legislature one month ;

Relating to the government and revenue of Mobile county ;
To repeal in part an act entitled an act to incorporate the
Pickens DeKalb Minute Men :

To lay off the county of Jefferson into four Commissioners' Districts :

To authorize Justices of the Peace to have certain attachments executed ;

To prevent more effectually the commission of the offence of burglary and theft in this State.

To divorce John Sullivan from his wife, Sarah Sullivan.

Mr. Gunn reported favorably on the bill to compel the attendance of witnesses in foreign suits, and recommended a substitute for the original bill.

Mr. Bethea moved to strike out the last proviso in the amendment.

Lost.

Yeas 5 ; nays 7.

Those who voted in the affirmative, are :

Messrs. Abernathy, Bethea, Bradford, H. C. Jones and Lamar.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Bacon, Baker, Cocke, Felder, Gunn, Hobdy, Jemson, E. P. Jones, Nelson, Patton, Peterson, Prince, Taylor, Webb and Thomas Wilson.

The substitute was adopted, and ordered to a third reading.

Mr. Kimball, from the committee on Enrolled Bills, reported, as correctly enrolled, an act to amend the charter of the town of Eutaw, in the county of Greene.

Mr. Jemison, from the committee on Internal Improvement, reported favorably on the bill to incorporate the Middle Alabama Railroad Company.

Mr. Lamar moved to amend the bill by inserting "of Arthur C. Baird," which was adopted, and the bill re-committed.

Mr. Acklin reported unfavorably on the bill for the relief of John Pate and William J. Morris.

The report was concurred in.

Mr. Patton, from the committee on Apportionments, reported a bill to apportion Representatives among the several counties in the State, and to divide the State into Senatorial Districts.

The bill was read the first and second times, and made the special order for 10th of January, at 12 o'clock, M.

Ordered that 133 copies of this bill and report be printed for the use of the Senate.

The Senate proceeded to the consideration of the special order, it being the joint resolutions for the payment of Brittan & Blue.

Mr. Jemison moved that the further consideration of the joint resolutions be postponed, and made the special order for the 9th of January, at 11 o'clock, A. M.

Mr. H. C. Jones made the following report :

The Joint committee on the part of the two Houses, appointed to make arrangements for the inauguration of the Governor elect, on the 20th instant, have performed that duty, and have instructed me to report that in conformity with the wishes of his Excellency, (the two Houses having assembled in the Hall of the House of Representatives, at 12 o'clock, M., on the day designated,) the committee will escort the Governor elect to the Speaker's chair, when he will receive the oath of office and deliver his inaugural address.

Message from the Governor :

To the Senate and House of Representatives :

Gentlemen :—I herewith communicate a letter addressed to me on the subject of the swamp lands, ceded by the Federal Government to the States. Important interests are involved in the title to the swamp and overflowed lands in the borders of the State. Although the quantity and value of the lands which would become the property of the State, under the act of Congress, would prove to be greatly less than in some other States, I am of opinion that it is a matter of sufficient moment to invite the consideration and action of the Legislature, in order to inquire, at least, if it may not be proper to authorize the appointment of an agent to look out said lands.

JOHN A. WINSTON.

By suspending the general orders, leave of absence was given to Mr. Gay.

On motion of Mr. Kimball :

Resolved, That the Secretary of the Senate have leave of absence three days, and that Junius Smith be authorized to act as Assistant Secretary during the time : *Provided*, he shall receive no pay from the State.

A motion was pending to postpone the further consideration of the special order, it being the joint resolutions for the payment of Messrs. Brittan & Blue, until the 9th day of January next, at 11 o'clock, A. M.

When the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 19, 1855.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Mr. Wilson of Jackson presented the account of Messrs. W. B. & A. R. Bell, which was referred to the committee on Accounts.

Mr. Thomas Wilson, from the committee on Accounts, to which was referred the House bill for the relief of Elisha J. Greer, of Tallapoosa county, reported favorably on the amendment.

The amendment was adopted, and the bill was ordered to a third reading.

Mr. Thomas Wilson, from same committee, to which was referred the bill for the relief of A. Moon, Tax Collector of Lowndes county, reported a substitute therefor.

The substitute was adopted, and ordered to a third reading.

Mr. Malone, from committee on Sixteenth Sections, to which was referred the bill requiring the Governor to cause patents to be issued to certain lands therein named to Mary Stephens, approved 10th February, 1852, reported favorably upon the bill.

The bill was read the third time forthwith and passed.

The orders being suspended, the House bill to divorce John Sullivan from his wife, Sarah Sullivan, was passed by a constitutional majority.

The House bill—

To divorce Nancy J. Sanderson from her husband, Alexander J. Sanderson, was also, under a suspension of the rule, read the third time and passed by a constitutional majority.

Ordered that they be sent forthwith to the House.

The House bill—

To incorporate the Tuskegee Insurance Company, was read the second time and referred to the Judiciary committee.

The House bill—

Authorizing the completion of the final records of the Circuit Court of Madison county, was, under a suspension of the rule, read the third time and passed, and ordered to be sent forthwith to the House.

Mr. Patton, from committee on Internal Improvement, to which was referred the bill to incorporate the Huntsville Mining and Manufacturing Company, reported amendments, by substituting in the place of the two first sections, the two sections herewith submitted as an amendment, and recommend the passage of the bill.

The bill was read the third time and passed.

Mr. Patton, from same committee, to which was referred the bill to incorporate the Middle Alabama Railroad Company, reported the bill and recommended its passage.

The bill was made the special order for the 8th of January next, 12 o'clock, M.

Mr. Acklin, from committee on Judiciary, to which was referred the bill for the relief of certain persons therein named, citizens of Madison county, reported favorably on the bill, and the bill was ordered to a third reading.

Mr. Bethea, from same committee, reported favorably on the bill for the relief of Robinson Instant, and the bill was ordered to a third reading.

Yeas 14 ; nays 12.

Those who voted in the affirmative, are :

Messrs. Abernathy, Ashley, Bethea, Gunn, Jemison. E. P. Jones, Nelson, Patton, Peterson, Prince, Searcy, Taylor, Webb and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. President, Acklin, Bacon, Bradford, Brindley, Cocke, Felder, Hobdy, Jones, of Franklin, Lamar, Malone and Bacon.

Mr. Kimball, from committee on Enrolled Bills, reported as correctly enrolled, the following House bills :

To authorize the administrators of Jesse Taylor, deceased, of Talladega county, to sell the real estate on a longer credit than twelve months.

To repeal an act to authorize the Apportioners of the different Districts of Pickens county, to appoint overseers, and for other purposes therein named.

For the relief of John Milford, Census Taker of Perry county, and for other purposes.

To establish a Board of Physicians in the county of Shelby.

To regulate and change the time of holding the Circuit Courts in the counties of Marshall and Jackson.

To amend section 3860 of the Code.

To repeal a special act for the payment of Jurors, approved the 18th day of January, 1845, so far as relates to Blount county.

To repeal an act requiring Justices of the Peace of Lowndes county, in their respective election beats, to act as apportioners and supervisors of roads, and for other purposes.

To amend section 1872 of the Code.

Message from the Governor by J. D. Catlin, his Secretary :
Mr. President :

His Excellency, the Governor, has approved of a bill, which originated in the Senate, entitled—

An act to amend the charter of the town of Eutaw, in the county of Greene.

Message from the House :

Mr. President :

The House has passed Senate bills entitled—

An act to renew the loan to the Mobile and Ohio Railroad Company.

To authorize the Probate Court of Chambers county, to grant letters of administration on the estate of William H. Atkins, deceased, late of Tallapoosa county.

Mr. Kimball, from the committee on Enrolled bills, reported rs correctly enrolled—

An act to renew the loan to the Mobile and Ohio Railroad Company.

An act to change the name of the Bascom Female College, at Huntsville, Alabama.

Message from the House :

Mr. President :

The House has passed a Senate bill to change the name of the Bascom Female College, at Huntsville, Alabama.

The House has originated and passed bills of the following titles :

To incorporate the East Alabama Insurance Company, at Auburn, in Macon county.

For the relief of certain persons therein named.

To establish a Captain's Beat, on Sand Mountain, in DeKalb county.

To change the time of holding the Circuit Courts in the counties of Bibb and Autauga.

To authorize the removal of the administration of the estate of Wm. J. Sanders from Jackson to Madison county.

Also, a Senate bill—

To make a loan to the Memphis and Charleston Railroad Company.

Mr. Nelson, from committee on Enrolled Bills, reported, as correctly enrolled, the bill to amend a certain act therein named.

Mr. Jemison, from committee on Agriculture, to which was referred the joint resolutions of the House, in regard to the printing and distributing the report of the State Geologist, reported the following amendment :

“Strike out the third section.”

The report was laid on the table.

The joint resolutions were read the third time and passed.

Yeas 19 ; nays 6.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Ashley, Bacon, Baker, Brindley, Baker, Cocke, Felder, Hewlett, Jemison, Jenkins, H. C. Jones, E. P. Jones, Lamar, Malone, Peterson, Powell, Searcy and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Bethea, Bradford, Gunn, Nelson, Patton and Wilson of Jackson.

On motion of

Mr. Jemison, the bill making appropriation for the completion of the Alabama Insane Hospital, was taken up, the rule suspended, and the bill read the third time and passed.

Yeas 18 ; nays 5.

Those who voted in the affirmative, are :

Messrs Ashley, Baker, Bethea, Bradford, Brindley, Cocke, Gunn, Hewlett, Jemison, H. C. Jones, E. P. Jones, Lamar, Patton, Peterson, Powell, Prince, Taylor and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. President, Abernathy, Felder, Malone and Wilson of Jackson.

Mr. Patton, under a suspension of the orders, introduced a bill to invest the Sixteenth Section Funds belonging to township 3, range 7, 11 and 12, in the county of Lauderdale, which was read first and second times forthwith, and referred to the committee on Education.

Mr. Powell, also, introduced a bill for the relief of Williams Chancellor, of the county of Coosa, which was read the first and second times forthwith, and referred to the Judiciary committee.

On motion of

Mr. Jemison, the regular orders were suspended, and the bill to make a loan to the Memphis and Charleston Railroad Company, returned by the House this morning in a message, was taken up.

Mr. Brindley moved to postpone the further consideration of the bill until the 15th January next.

Mr. Jemison moved to lay that motion on the table, which was carried.

The first amendment of House to the bill was concurred in.

Mr. Gunn moved to amend the amendment of the House, by striking out “\$300,000,” and inserting “\$200,000.”

Mr. Patton moved to lay that motion on the table, which was carried.

Yeas 18; nays 12.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hatcher, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince, Taylor and Wilson of Jackson

Those who voted in the negative, are:

Messrs. Bacon, Baker, Brindley, Felder, Gunn, Jenkins, Jones of Fayette, Peterson, Powell, Searcy, Webb and Wilson of Pickens.

Mr. Baker moved to strike out "\$300,000," and insert "\$400,000."

Mr. B. F. Wilson moved to adjourn.

The motion was lost.

Yeas 8; nays 17.

Those who voted in the affirmative, are:

Messrs. Baker, Brindley, Gunn, Jenkins, E. P. Jones, Peterson, Powell and Wilson of Pickens.

Those who voted in the negative, are:

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hatcher, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince and Wilson of Jackson.

Mr. Gunn moved a call of the Senate.

On the calling of the roll, there were present 24.

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Brindley, Cocke, Felder, Hewlett, Jemison, H. C. Jones, E. P. Jones, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Wilson of Jackson and Wilson of Pickens.

Mr. Bethea moved the previous question.

Mr. Gunn being entitled to the floor, and engaged in a discussion of the merits of the amendment,

Mr. Malone rose to a point of order.

The Chair decided the previous question debatable.

Mr. Malone appealed from the decision of the Chair on the question—"shall the decision of the Chair stand?"

Yeas 13; nays 19.

Those who voted in the affirmative, are:

Messrs. Abernathy, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hewlett, Jenkins, Jones of Fayette, Peterson, Searcy and Wilson of Pickens.

Those who voted in the negative, are:

Messrs. Acklin, Ashley, Bradford, Jemison, H. C. Jones, Malone, Nelson, Patton, Prince and Wilson of Jackson.

After some discussion, Mr. Ashley appealed from the decision of the chair stand.

The vote stood : yeas 13 ; nays 12.

Those who voted in the affirmative, are :

Messrs. Bacon, Baker, Brindley, Cocke, Felder, Gunn, Jenkins, Jones of Fayette, Kimball, Peterson, Searcy, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Ashley, Brindley, Bradford, Hatcher, Jones of Franklin, Lamar, Malone, Nelson, Patton, Powell, Prince, Taylor and Wilson of Jackson.

On motion of

Mr. Prince, the bill was made the special order for to-morrow, 10 o'clock, A. M.

The Senate adjourned until to-morrow morning, half past 9 o'clock.

DECEMBER 20, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. Acklin, from the Judiciary committee, reported it as inexpedient to pass the bill to amend section 2306 of the Code.

The report was concurred in.

Mr. Gunn, from the same committee, to whom was referred the House bill to incorporate the Tuskegee Insurance Company, reported it back to the Senate, and recommended its passage.

The bill was read a third time forthwith and passed.

On motion of

Mr. Gunn, the regular orders were suspended, and the House bill to incorporate the East Alabama Insurance Company, at Auburn, in Macon county, was read three times forthwith under a suspension of the rule, and passed.

On motion of

Mr. Bethea, the House bill to incorporate the Mobile Medical College, was taken up, rule suspended, and the bill read three times forthwith and passed.

Message from the House :

Mr. President :

The House has passed Senate bills of the following titles.

To enable railroads to borrow money, and for other purposes.

To create the office of Assistant County Surveyor for the county of Marion.

To fix the pay of Judges of Probate and Sheriffs of Fayette county.

To amend an act to incorporate the Tennessee and Coosa River Railroad Company.

Also, House bills :

In relation to fines imposed upon road defaulters.

For the better protection of male minors in this State.

For filling vacancies in the office of overseers of public roads in certain cases.

The House bill—

To cause the County Treasurer and County Surveyor of Franklin county, to be elected by the people, was taken from the table, read a third time and passed.

Mr. Brindley presented the following protest :

The undersigned objects to the action of the Senate in passing the resolution to adjourn on the 21st December, until the 7th day of January next ; and respectfully offers this protest, and asks that it be placed upon the journal.

I believe that it will increase the expense of the session by doubling the mileage.

It does so, as I believe, *constructively*. Because, if a member be sick, or otherwise unable to go home, he will, in justice and equity, be entitled to the same mileage without travelling a foot. The twenty-fourth section of article three of the constitution, forbids an increase of compensation to take effect during the session at which it is made. I consider such recess and excess of mileage, an *increase* of compensation, to every member who may claim it, whether he voted for or against the adjournment, or whether he goes home or remains at the seat of government. And by the same rule of reasoning, the compensation fixed by law before the session convened, cannot be changed or reduced during the session.

The constitution appears to anticipate justifiable emergencies—a hostile enemy, or an epidemic disease—authorizing recess, or even removal : thus, as the undersigned believes, tacitly forbidding all such adjournments, in the absence of any such emergency.

The people were called upon a few years ago, and voted their preference to biennial over annual sessions, evidently on the score of economy, in the embarrassed condition of the State. By this recess, instead of one session in two years, we incur the expense of two sessions at once.

It has been argued as a justification for such adjournment, that the session of 1853-'54, with a recess like this and double mileage, cost five or ten thousand dollars less than the pre-

ceding session, without such recess and extra mileage. The undersigned cannot perceive the force of such argument. *Excess is excess*, and but for the adjournment, the excess of mileage might have been added to the *five or ten thousand dollar* saving to the State. We are not obliged to incur as much cost, at a less important session, as one of more business and importance. If we can rightfully incur the expense of one recess, why, I ask, may we not continue them the entire term for which we were elected, and thus make the cost of legislating perpetual?

The decision of the courts cannot appease my conscience, I must think for myself. MACE T. P. BRINDLEY.

Mr. Peterson introduced a bill to incorporate the Eastern Bank of Alabama, which was read first and second times and referred to committee on Banks and Banking.

The hour of 10 o'clock having arrived the special order was taken up, it being the bill to make a loan to the Memphis and Charleston Railroad Company.

The question being on the amendment made by the House, to wit:

“To strike out ‘five hundred thousand dollars’ and insert ‘three hundred thousand dollars.’”

On concurring in the amendment, the vote stood:

Yeas 18; nays 11.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Hatcher, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince, Taylor and Wilson of Jackson.

Those who voted in the negative, are:

Messrs. Bacon, Brindley, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searey and Wilson of Pickens.

The question being on the amendment by the House, to reduce the amount of security on mortgage bonds from five hundred thousand dollars to three hundred thousand dollars, and the personal security required to be given, from two hundred and fifty thousand dollars to one hundred and fifty thousand dollars.

The vote stood: yeas 18; nays 11.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Baker, Cocke, Hatcher, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince, Taylor and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy and Wilson of Pickens.

The amendments having been adopted, the question was put, "shall the bill as amended pass?"

The vote stood : yeas 16 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Bocke, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince, Taylor and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Felder, Gunn, Hatcher, Hewlett, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy and Wilson of Jackson.

Mr. Patton introduced a bill to amend section 1537 of the Code, which was read the first and second times, and referred to Judiciary committee.

Mr. Searcy introduced a bill to provide for the electing of County Commissioners' in the county of Henry, which was read three several times forthwith and passed.

On motion of Mr. Felder,

The vote refusing to pass the bill to amend sections 174, 175, 177, 178, 179 and 181 of the Code, as to the time of elections, was reconsidered, and the bill ordered to lay on the table.

Mr. Felder, from Judiciary committee, to which was referred the House bill to make owners of slaves responsible for services rendered by physicians to said slaves, reported a substitute therefor and recommended its passage.

Mr. Gunn moved to amend by way of substitute.

Mr. Peterson moved to lay it on the table.

Lost.

Mr. Gunn's amendment was adopted.

The Senate refused to order the bill to a third reading.

Yeas 12 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Baker, Bradford, Brindley, Gunn, Hatcher, E. P. Jones, Patton, Wilson of Jackson and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Cocke, Felder, Jemison, Jenkins, H. C. Jones, Kimball, Lamar, Nelson, Peterson, Powell, Searcy and Webb.

Mr. Kimball, from committee on Enrolled Bills, reported

as correctly enrolled, an act to make a loan to the Memphis and Charleston Railroad Company.

Mr. President (Mr. Felder in the chair) gave notice that he would move to add a new rule to the rules of the Senate, which was laid over one day under the rules.

Mr. Kimball reported as correctly enrolled, an act authorizing the Probate Court of Chambers county, to grant letters of administration on the estate of William H. Atkins, deceased.

The House bill relating to the government and revenue of Mobile county, was read the first and second times and referred to the committee on Finance.

The Senate then took a recess until 12 o'clock, at which hour it met again, and repaired to the Representatives hall to witness the Inauguration of the Governor elect. After the oath of office was administered to the Governor, the Senate returned to its chamber, and adjourned until to morrow 10 o'clock, A. M.

DECEMBER 21. 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Leave of absence was granted to Messrs. Patton, Malone, B. F. Wilson and Lamar.

On motion of Mr. Taylor,

The vote passing the bill to incorporate the Medical College at Mobile, was reconsidered, and also, the vote ordering it to a third reading.

Mr. Taylor moved to amend as follows :

In the second section, strike out the word "eleven," and insert the word "twelve."

In the second section, add the names of T. B. Bethea, Burwell Boykin, Arthur F. Hopkins and Cyrus Sibles, to the names in said section.

At the close of third section, insert the following :

"*Provided*, The existing Faculty shall vote in elections to fill any vacancy in the Faculty."

The amendments were adopted, and the bill as amended passed.

On motion of Mr. Taylor,

The bill to aid the Medical College at Mobile, was taken from the table, and made the special order for the 15th January next.

The rule, number 38, proposed on yesterday by Mr. President, was taken up, and on motion of Mr. Cocke,

Made the special order for the 7th January next.

Message from the House by Mr. Chapman.

Mr. President :

The House has concurred in the amendments to the Senate bill, to incorporate the Mobile Medical College, offered by the Senate.

The following bills were read three times and passed, and sent forthwith to the House:

The Senate bill for the relief of Registers in Chancery, was read the third time and passed :

The bill to improve the Supreme Court Library;

To change the mode of electing the County Treasurer, for the county of Monroe ;

The House bill to regulate the fees of the Probate Judge of Cherokee county, in issuing marriage licenses ;

The House bill for the relief of William C. Thomas of Marshall county ;

The bill to establish a Board of Botanic Physicians, in the State of Alabama ;

To incorporate the Gainesville Insurance Company ;

To compel witnesses to testify in foreign suits ;

For the relief of certain persons therein named, citizens of Madison county ;

The bill for the relief of Robinson Instant, was laid on the table ;

The bill to increase the salary of the Secretary of State, was read the second time and referred to Finance committee ;

The House bill to revise an act therein named and for other purposes, was read the first and second times, and referred to the Judiciary committee ;

The House bill to amend section 6065 of the Code, was read first time and ordered to a second reading.

Mr. Kimball, from committee on Enrolled Bills, reported as correctly enrolled, the following House bills :

To divorce Cornelia Brennan from her husband, John E. Brennan ;

An act amendatory of an act, approved 4th February, 1852, entitled an act to authorize the sale of the stock held by the State in the Bank of Mobile ;

Joint Resolutions to adjust the cash balance in the office of Comptroller, so as to correspond with the actual balance in the Treasury on the 30th September, 1855:

An act to compensate Tales Jurors, in certain cases :

To amend the several acts incorporating the town of Tusculumbia, in Franklin county, approved 3d February, 1854 ;

To amend section 5 of a certain act therein named ;

For the benefit of the administrator of the estate of Caroline Key, late of Russell county ;

An act respecting the Mobile Bay Road Company, and to locate permanently the seat of Justice in the county of Marion.

Message from the House of Representatives.

Mr. President :

The House has passed a Senate bill entitled an act for the relief of certain persons therein named, citizens of Madison county.

Also, the following House bills :

To incorporate the Chunnenugee Female College, of Macon county ;

An act amendatory of an act establishing Commissioners' Districts in the county of Walker, approved January 6th, 1855 ;

To divorce W. B. Wilson from his wife, Sarah J. Wilson, and other persons therein named ;

To divorce Jesse Kinsey from his wife Monemia Kinsey, and other persons therein named.

The Senate then took a recess until half past 2 o'clock, p. m., at which time the President took his seat.

A quorum not being present, the President declared the Senate adjourned until the 7th day of January next, at 10 o'clock, A. M.

MONDAY, January 7, 1856.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate a communication from the Hon. George Goldthwaite, tendering his resignation of the office of Judge of the Supreme Court.

Ordered that the communication be laid on the table.

Mr. President also laid before the Senate a communication in regard to the annexation of West Florida to Alabama, which was referred to the committee on Federal Relations.

Mr. Taylor presented a petition from sundry citizens, in regard to the boundary line between Pickens and Greene counties, which was referred to the committee on County Boundaries.

Mr. Patton presented a petition from the Trustees of township 3, range 11, west, in Lauderdale county, which was referred to the committee on Education.

Mr. Brindley presented the petition of James D. Hanby, which was referred to the committee on the Judiciary.

Mr. Brindley presented also the petition of Austin Mur-

phree, which was referred to the committee on Propositions and Grievances.

Mr. Taylor introduced a bill to amend the charter of the North-East and South-West Alabama Railroad Company, which was read the first and second times and referred to the committee on Internal Improvements.

Mr. Malone presented the petition of sundry citizens of Athens, praying the passage of a law, prohibiting the sale of spirituous liquors within three miles of the Tennessee Conference Female Institute, which was referred to the committee on the Judiciary.

The proposition to amend the rules of the Senate was postponed until Wednesday at 10 o'clock, and made the special order for that hour.

Mr. Kimball introduced a bill for the relief of Obediah Milner, of Tallapoosa county, which was read the first time and ordered to a second reading.

Mr. Taylor introduced a bill to prevent certain trespasses therein named, which was read the first and second times and referred to the committee on the Judiciary.

On motion of Mr. Brindley,

Resolved, That with the concurrence of the House of Representatives, the capitol be illuminated on the evening of the 8th inst., in honor of the memorable victory obtained by our country at New Orleans, on the 8th January, 1815.

The bill for the relief of Elisha Greer, of the county of Tallapoosa, was read the third time and passed.

The bill to authorize the Governor to issue a patent to Sewell Gregory, was read the second time and referred to the committee on Sixteenth Sections.

The bill to amend section 1065 of the Code, was read the second time and referred to the committee on Sixteenth Sections.

The bill to authorize Judges of Probate to partition estates in common, was read the second time and referred to the committee on the Judiciary.

The Senate adjourned until to-morrow morning, 10 o'clock,
A. M.

JANUARY 8, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to incorporate the Mutual Insurance Company of Montgomery, and the bill was ordered to a third reading.

Mr. Acklin also reported favorably on the bill to revise an act therein named, and the bill was ordered to a third reading.

Mr. Taylor, from the Judiciary committee, reported unfavorably on the bill for the preservation of game in the county of Greene.

The report was concurred in.

Mr. Gunn introduced a bill to incorporate the Macon County Railroad Company, which was read the first and second times and referred to the committee on Internal Improvements.

Mr. Felder introduced a bill to incorporate the Alabama Fire Engine Company, No. 2, which was read the first and second times and referred to the committee on the Judiciary.

Mr. Patton offered the following resolution :

Resolved, That with the concurrence of the House of Representatives, the two Houses of the General Assembly will adjourn *sine die* on Monday, the 28th inst.

On motion of Mr. Bethea,

The resolution was made the special order for Monday next, at 11 o'clock.

Mr. Baker, from the committee on the Judiciary, reported unfavorably on the bill to amend section 1537 of the Code.

Message from the Governor, by his Private Secretary, informing the Senate that he had approved the following bills :

An act authorizing the Probate Court of Chambers county, to grant letters of administration on the estate of William H. Atkins, deceased, late of the county of Tallapoosa ;

An act to change the name of the Bascom Female College, located at Huntsville, Alabama.

Mr. Kimball reported as correctly enrolled :

An act to create the office of Assistant County Surveyor, for the county of Marion ;

An act to fix the pay of Judges of Probate and Sheriffs of Fayette county ;

An act to enable Railroad Companies to borrow money, &c. ;

An act to amend an act entitled an act to incorporate the Tennessee and Coosa River Railroad Company.

And the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, January 9, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Bethea presented the petition of sundry citizens of

Jacksonville, praying for the incorporation of the **Jacksonville Academy**, which, together with a former petition and bill on the same subject, were referred to the committee on the **Judiciary**.

Mr. **Bethea** introduced a bill to create a lien in favor of livery stable keepers, which was read the first and second times and referred to the committee on the **Judiciary**.

Mr. **Lamar** presented the petition of **Samuel Finely** and others, in regard to the sale of spirituous liquors near **Claysville**, which was referred to the committee on **Propositions and Grievances**.

Mr. **Lamar** also presented the petition of **J. Sublett**, which was referred to the same committee.

Mr. **Gunn**, from the **Judiciary** committee, to whom was referred the bill to authorize the **Court of County Commissioners** of **Macon** county, to establish additional places of voting in said county, reported a substitute.

Mr. **Taylor** moved to amend the substitute by inserting the words "alter or abolish," before "places."

The amendment was adopted.

The substitute as amended was also adopted, and the bill ordered to a third reading.

Mr. **Gunn** introduced a bill to incorporate the **Tallapoosa and Talladega Mining Insurance and Trust Company**, which was read the first and second times and referred to the committee on **Internal Improvements**.

Mr. **Bethea** introduced a bill authorizing the **Commissioners** of **Revenue** of **Mobile** county, to erect poor houses.

Mr. **Bethea** also introduced a bill to repeal section 3287 and 3290 of the Code ;

Also, a bill to give the **Probate Court** equity jurisdiction, which were severally read the first and second times and referred to the committee on the **Judiciary**.

Mr. **Cocke** introduced a bill to authorize the overseers of the **Hamburg and Uniontown** public road, in the county of **Perry**, to use timber for said road under certain circumstances, which was read the first and second times, and referred to the committee on **Roads, Bridges and Ferries**.

Mr. **Webb** introduced a bill to prevent the hunting of wild hogs.

Mr. **Gunn** introduced a bill to prevent the destruction of fish.

Mr. **Gunn** also introduced a bill to compensate **Jurors** in **Justices' Courts**, which were severally read the first and second times and referred to the committee on the **Judiciary**.

The Governor transmitted to the Senate, by his Private Secretary, Mr. Catlin, the following message :

EXECUTIVE DEPARTMENT,
January 9, 1856. }

To the Senate :

I return to the Senate the bill to be entitled an act to make a loan to the Memphis and Charleston Railroad Company, without my approval.

The policy of the State becoming a creditor to any of its citizens, under any circumstances, is at best most questionable. The desire to see works of internal improvement advanced with great rapidity has induced many who doubted the propriety of State aid to accept the proposition of short loans of small amounts to important roads, to be made out of any moneys that might be in the Treasury, not required for the payment of the obligations of the State. I hold, however, that the only purpose for which the government has a right to exact the means of the citizen, is to carry on the affairs of the government, and to pay obligations already existing.

Experience already teaches us that any departure from the legitimate and simple purposes of government brings, as inevitably as a departure from physical and moral law, a speedy punishment, and admonishes those who have fixed ideas of public policy of the danger of any abandonment of principle in legislation and matters of government. The experience of Alabama is fruitful of the bitter consequences of making expediency paramount to principle.

The proposition to use the credit of the State to promote the pecuniary interests of any class of citizens has, almost without opposition, been pronounced against by the people of Alabama. In the canvass before the people during the past summer, I took the ground, emphatically, that under no circumstances would I sanction any measure using or pledging the credit of the State for any purpose whatever. With a full knowledge of my sentiments on this subject, and in consideration thereof, I was elected by the people.

The report of the State Treasurer shows, that without the re-issue of the bills of the old State Bank and Branches, we have no money in the treasury to loan to railroads; and the report of the Comptroller shows that we have no grounds on which to base expectations of a receipt of more means than will be needed to pay the liabilities already maturing, and to carry on the ordinary affairs of government.

I am of the opinion that a re-emission of the bills of banks

long since placed in liquidation, is a use of the credit of the State in the worst possible form, and of more than doubtful constitutionality. Many of our ablest jurists are clearly of the opinion that such re-emission would be unconstitutional.

To re-issue for the benefit of railroad companies, the bills of defunct banks, which have once been redeemed by the people, with no provision for their redemption but their re-absorption by taxation, would be an act of bad faith to that people who have so patiently and honorably borne heavy taxation to preserve the honor of the State, jeopardized by the ill-conceived financeering of past legislation. The people have been patient and long-suffering under the effects of legislative folly; but if the course now proposed is persisted in, in despair of ever paying the present and increasing liabilities, they may forget the obligations of State honor, and, in condemning those who have increased their burdens, may refuse to provide the means to meet the obligations imposed upon them. The bills thus re-issued—according to all the ideas of trade and currency—would be bound to depreciate, and become the worst currency that any people had ever imposed upon them. Of all circulating mediums, a depreciated paper one is undoubtedly the worst; and the loss occasioned by such, almost invariably falls upon those who are least able to bear it, and who are in no wise responsible for such a circulation.

The parties borrowing the notes, after getting them into circulation, would be greatly interested in causing them to depreciate, so as to be able to pay the debt back at a discount. Money-dealers would combine to put them down, for the purpose of making large profits in buying them up again and lending them at par to those in pecuniary embarrassment. Such would be the discount on them that all dues to the State would be paid in no other currency; and ultimately the State would have to shave her own paper, at a ruinous rate, to meet the interest on her foreign debt, and the people of Alabama be called upon again and again to redeem the same, at par, or to repudiate.

The people and the State were, for a long time, at the mercy of the State banks, the bank debtors, and the corrupt managers who had charge of the banks and the legislation of the country. The bursting of these Banks relieved them from a dilemma, and exposed the folly of State entanglement in things foreign to the proper duties of government. The people took for a time their affairs in their own hands, and by judicious economy and heavy taxes re-established the credit of the State, and gave hope of final freedom. If the present scheme, how-

ever, of wholesale loans in all sections of the State be once fixed, the people will be no better off than they were under the old bank system, and the legislation and finances of the State will be again under the control of corporations and debtors.

It is said that the English government is held together by its large national debt. Such a debt may be good for a monarchy, but it is not good for a republic ; and it is to be hoped that the people of Alabama, or the representatives thereof, will not try the experiment.

Had the State the surplus means in the treasury unemployed, it might be proper to loan such means, on short time, to roads approaching completion ; but a loan for so long a time as four years would be improper, even then.

The government cannot, without a violation of principle, take money from the people to lend to corporations, monopolies or individuals. The loan of the State bank notes is, in effect, to levy a tax on the people for that purpose. It is the duty of the Legislature to lower the present rate of taxation, which can never be done while the principles of this bill are acted upon.

The cost of experimental financeering in paper money has been sufficiently ruinous to the prosperity of Alabama to have made us, so far as the affairs of government are concerned, a hard-money and sub-treasury people, and I had supposed we were so. I was elevated to the office I now hold as such, and shall not falsify my position for expediency or temporary policy.

Intending to reflect what I conceive to be the will of the people of Alabama, I refuse my assent to any bill intended to throw again into circulation the bills of the State Bank and Branches ; and again urge upon the Legislature the propriety of passing an act for the burning of all such bills as are now, or may hereafter come in the treasury.

When the people come to hold men and parties responsible for legislation so certain to bring great harm to the prosperity and honor of the State, I intend to be without reproach or censure. I most earnestly and respectfully urge the Legislative department not to sacrifice principles so important for the purpose of temporary aid to favorite local interest.

JOHN A. WINSTON.

The bill and message were made the special order for Wednesday next, at 12 o'clock.

And the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, January 10, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Taylor presented the petition of W. T. Webb and others, which was referred to the committee on the Judiciary.

Mr. Thomas Wilson presented the account of Wm. B. Padgett and Martin Burton, which was referred to the committee on Accounts.

The following message from the Governor, was transmitted to the Senate by Mr. Catlin :

EXECUTIVE DEPARTMENT, }
January 9, 1856. }

To the Senate :

I return to the Senate a bill to be entitled "an act to renew the loan to the Mobile and Ohio Railroad Company." The original loan was made to that company upon representations made by the advocates of the loan, of a temporary embarrassment, at a time of great pressure in the money market. It was then urged, with great earnestness, that with the assistance then called for, the road would be so advanced as to make it a paying road, and the loan could be paid at maturity.

Great apprehension was felt and expressed, at the time of the loan, that the company, being once in the possession of the means of the State, would ask for extension, time after time, and ultimately ask the loan to be made a gift, or refuse to pay. The fears then entertained appear about to be realised.

The original loan could never have had the Executive approval, had it been believed that the company would have demanded an extension of the loan. The State has debts now due her by solvent men, of fifteen or twenty years' standing, and the parties are as little prepared to meet them as when they first became due.

The loan to the Mobile and Ohio Railroad Company was the only act of the Executive, during the session of 1853-'4, that was arraigned and condemned before the people of the State, and which the people disapproved.

If the company are not able to go on now without State aid, they deceived the Legislature in the first instance. By a payment of the loan, the State will be enabled to lend the money so collected to other roads which as yet have received no assistance from the State—if it be the wish of the Legislature to lend sound funds in the treasury for such purposes. This road is already completed over one hundred miles beyond the

Alabama line, and should look to its own resources, or for aid from other States in which it lies.

I have been able to see nothing in the capacity exhibited in the construction, or the financial management of the affairs of the company, to entitle this road to special confidence and favor at the hands of the Legislature or the public, or to justify the conclusion that the company will be more able or willing to pay at the end of the proposed extension of time, than at the present.

The road has been so constructed as to require, already, heavy expenditures for repairs. Large and extraordinary sums are paid to its officers. The State has no power to enquire into the management and condition of its affairs. It may be asserted that we have no right to look into these things. Admit it; but when we are called upon to advance money from the pockets of the people to meet the demands of improvident expenditure and extravagant salaries to officers, we may well hesitate about furnishing it, and enquire who is eventually to foot the bills, and what chance there is of the money being returned to the pockets of the people?

Large donations of land have been made for the purpose of the construction of this road. These lands have not, in good faith, been applied to the objects of the grant; nor have the public had any opportunity of purchasing the lands for purposes of cultivation or private use. If they have been sold at all, they have been sold privately, and perhaps to parties interested in the management of the affairs of the company. I have no means of knowing accurately what the directors have done with the lands—whether they have sold any part of the donation, or to whom; but had the 1,150,000 acres of land been publicly offered for sale, at a minimum of three or four dollars per acre, or even at a higher rate, the company would have been able to have completed the road, at least to the Tennessee line, long since, and would have been in receipt of such an income as not to have been under the necessity of calling on the State of Alabama, in the embarrassed state of her finances, for assistance.

It is the duty of those who engage in schemes of this character, to count the cost before they begin, and not look to a people, so long oppressed with debt and taxation, to build their roads for them. It is, doubtless, an easy matter for companies and directors to make white-washed reports and plausible showings, to borrow money upon and to deceive the public; but it becomes the duty of those having charge of the public interest and guard of the public moneys, not to place

too much reliance in such interested and one-sided representations.

The Mobile and Ohio Railroad Company are bound, in good faith, to refund the loan. An extension now, would justify extensions indefinitely, and be a dangerous precedent. If the money is to be loaned at all, there are other companies, having equal claims, that have had no aid. I therefore withhold my approval.

JOHN A. WINSTON.

Ordered that the bill and message be made the special order for Saturday next, at 12 o'clock.

Mr. Kimball reported as correctly enrolled :

An act for the relief of certain persons therein named, citizens of Madison county ;

The joint resolutions in regard to the public printing, were made the special order for Friday, the 18th inst., at 12 o'clock ;

The bill to incorporate the Middle Alabama Railroad Company, was taken up and made the special order for Monday next, at 12 o'clock ;

The joint resolutions heretofore offered by Mr. Baker on the subject of foreign immigration, &c., were taken up and made the special order for Thursday next, at 12 o'clock.

The proposition to amend the rules being a special order, was taken up and considered by the Senate.

Mr. H. C. Jones moved to strike out the words " to postpone indefinitely or to a day beyond the Session."

Carried.

Mr. Baker moved to strike out the words " to adjourn a debate."

Carried.

Mr. H. C. Jones moved to strike out the words " after such short conversitaon as the President may permit."

Carried.

Mr. H. C. Jones moved to strike out all from the words " no motion," to the word " negative" inclusive.

Carried.

Mr. Taylor moved to lay the rules on the table.

Lost.

Mr. Baker moved to postpone the subject indefinitely.

Lost.

The rules as amended were adopted.

Ordered that the same be referred to the committee on Rules, with instructions to have 133 copies printed for the use of the Senate.

Mr. Thomas Wilson presented the account of Seaborn H. Jones, which was referred to the committee on Accounts.

Mr. Hewlett introduced a bill to change the county boundaries of the county of Hancock, which was read the first and second times and referred to the committee on County Boundaries.

Mr. Hewlett also presented sundry petitions on the same subject, which were referred to the same committee.

Mr. Bethea introduced joint resolutions concerning the Mobile Harbor and the navigable rivers of Alabama, which were read the first and second times and referred to the committee on Inland Navigation.

Mr. Acklin introduced a bill authorizing the administrator of the will of J. Sanders, to remove the administration from the county of Jackson to the county of Madison, which was read the first and second times and referred to the committee on the Judiciary.

Mr. Acklin introduced a bill to incorporate the Madison Rifles, which was read the first and second times and referred to the committee on the Military.

On motion of Mr. Taylor,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of amending section 3225 of Code, the statute of limitation in criminal cases sections 3185 and 3193 of the Code, and sections 3317 and 1825 of the Code; also as to the expediency of legislating on the following subjects: The entertaining in or near a city or town; the sale of lottery tickets of schemes in other, and the advertising of such schemes in this State; the procuring of money on produce and failing to render the produce; the making a town, city and &c., where injury is committed by a mob or riot, liable in damages to the injured party, and the punishment of slaves, when tried for assaults, with intent to kill a white person, and the Jury find that the offence is only an assault; the making of further provisions in cases in which a right of action accrues, to any person in this State, from injuries to his person or property by the commission of a felony, so that the party injured may bring a suit for damages at any time within the period prescribed by the statute of limitation, without regard to criminal prosecutions.

Mr. Bradford introduced a bill to prevent the sale of spirituous liquors within three miles of Academies in Hanover Beat, in the county of Coosa, which was read the first and second times and referred to the committee on Propositions and Grievances.

Mr. Baker introduced a bill to amend section 2151 of the Code.

Mr. Kimball introduced a bill to incorporate the Camp Hill Academy, in the county of Tallapoosa.

Mr. Patton introduced a bill to amend an act, approved February 9th, 1854, authorizing the Courts of County Commissioners to establish, abolish and change the places of voting in election precincts, which were severally read the first and second times and referred to the Judiciary committee.

Mr. Patton introduced the following resolution :

Resolved, That with the concurrence of the House of Representatives, the two Houses of the General Assembly will convene in the Representatives chamber on Monday next, at 12 o'clock, for the purpose of electing a Judge of the Supreme Court, to supply the vacancy caused by the resignation of the Hon. George Goldthwaite.

On motion of Mr. Bethea,

The resolution was laid on the table.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, January 11, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Lamar presented the account of S. W. Vandyke, which was referred to the committee on Accounts.

Mr. Abernathy moved to take from the House bills, the bill to repeal an act incorporating the town of Jacksonville, in the county of Benton.

Carried.

The bill was read first, second and third times forthwith and passed.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to incorporate the Alabama Fire Engine Company, No. 2, and the bill was ordered to a third reading.

Mr. Acklin, from the same committee, reported unfavorably on the bill to prevent certain trespasses therein named.

The report was concurred in.

Mr. Acklin reported favorably on the bill to repeal sections 3289 and 3290 of the Code ; and the bill was ordered to be engrossed.

Mr. Acklin reported adversely on the bill to amend section 1065 of the Code.

The report was concurred in.

Mr. Acklin reported adversely on the bill for the relief of William Chancellor of the county of Coosa.

The report and bill were laid on the table.

Mr. Acklin reported favorably on the bill for the destruction of fish, and the bill was ordered to be engrossed.

Mr. Thomas Wilson, from the committee on Accounts, reported a bill to pay certain claims against the State, which was read three times severally forthwith and passed.

Mr. Brindley, from the committee on Propositions and Grievances, reported a bill for the relief of Austin Murphee, late Jailor of Blount county, which was read ordered to a second reading.

Mr. Bethea, from the committee on the Judiciary, to whom was referred petitions on that subject, reported 'A bill to prevent the retailing of spirituous and vinous liquors within one mile of the Jacksonville Academy, in Mobile county, and to prevent the retailing of spirituous liquors within two miles of the edifice known as the Marshall Institute, in the county of Marshall,' which was read the first, second and third times forthwith and passed.

Mr. Bethea also reported the bill to authorize the Commissioners of Revenue of Mobile county, to erect poor houses in said county, with an amendment, which was adopted, and the bill read the third time and passed.

Mr. Malone, from the committee on the Judiciary, reported a bill to prevent the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Ala.

The bill was read the first, second and third times forthwith and passed.

Mr. Patton, from the committee on Internal Improvements, reported favorably on the bill to amend the charter of the North-East and South-West Alabama Railroad Company.

The bill was laid on the table.

Mr. Patton reported favorably on the bill to incorporate the Macon County Railroad Company.

The bill was read the third time and passed.

The bill to authorize the overseers of the Hamburg and Uniontown public road, in Perry county, to use timber for said road under certain circumstances, was reported by Mr. Jenkins from the committee on Roads, Bridges and Ferries, and its passage recommended.

The bill was read the third time and passed.

The Senate proceeded to consider the amendments of the

House to the bill to make a loan to the Alabama and Tennessee Rivers Railroad Company.

Mr. Baker moved to strike out "\$200,000," from the amendment of the House. Lost.

Yeas 11 ; nays 16.

Those who voted in the affirmative, are :

Messrs. Baker, Brindley, Felder, Gunn, Jenkins, E. P. Jones, Kimball, Peterson, Searcy, Taylor and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hatcher, Hewlett, H. C. Jones, Lamar, Malone, Nelson, Patton, Webb and Wilson of Jackson.

Mr. Baker then moved to postpone the further consideration of the subject until Wednesday next, at 12 o'clock, and make it the special order for that hour.

Lost.

Yeas 11 ; nays 16.

Those who voted in the affirmative, are :

Messrs. Baker, Brindley, Felder, Gunn, Jenkins, E. P. Jones, Kimball, Peterson, Searcy, Taylor and Thos. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bradford, Bethea, Cocke, Hatcher, Hewlett, H. C. Jones, Lamar, Malone, Nelson, Patton, Webb and B. F. Wilson.

Mr. Gunn moved to amend as follows :

Provided, That the bills of the State Bank and Branches, shall not be considered as money, under the provisions of this act.

Mr. Brindley moved to lay the amendment on the table.

Carried.

Yeas 15 ; nays 11.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hatcher, H. C. Jones, Lamar, Malone, Nelson, Patton, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Felder, Gunn, Jenkins, E. P. Jones, Kimball, Peterson, Searcy, Taylor and B. F. Wilson.

Mr. Felder moved to amend as follows :

Provided, That no loan shall be made under this bill unless there is gold and silver sufficient therefor in the treasury of the State not otherwise appropriated.

Mr. Bradford moved to lay the amendment on the table.

Carried.

Yeas 15 ; nays 11.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bradford, Bethea, Cocke, Hatcher, H. C. Jones, Lamar, Malone, Nelson, Patton, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Felder, Gunn, Jenkins, E. P. Kimball, Peterson, Searcy, Taylor and B. F. Wilson.

The amendments of the House to the bill were severally concurred in by the Senate.

Ordered that the same be reported to the House.

Mr. Malone introduced a bill to amend the charter of the town of Athens, in Limestone county, which was read the first and second times forthwith, and referred to the committee on the Judiciary.

Mr. H. C. Jones introduced a bill to authorize the Court of County Commissioners, of Franklin county, to make appropriations for the relief of certain persons therein named, which was read the first and second times, and referred to the committee on the Judiciary.

Mr. Brindley introduced joint resolutions, providing for the burning of the cancelled and redeemed notes of the Bank of Montgomery, now in the office of Comptroller General, which was read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 12, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Mr. Acklin, from the committee on the Judiciary, reported adversely on the bill to amend section 2151 of the Code, and the report was concurred in.

Mr. Acklin reported that it was inexpedient to pass the bill to amend an act, approved February 9, 1854, authorizing Courts of County Commissioners to establish, abolish and change the places of voting in election precincts.

The report was laid on the table.

Mr. Patton moved an amendment, which was adopted, and the bill ordered to a third reading.

Mr. Thomas Wilson, from the committee on Accounts, to whom was referred the account of Aaron Burleson, reported that said account was improperly referred—that it be referred to the committee on Propositions and Grievances.

Ordered that the account be so referred.

The same order was made on the bill to pay Jacob Lamp-
ley a certain sum of money.

Mr. Brindley, from the committee on Propositions and
Grievances, reported favorably on the bill to prevent the sale
of spirituous liquors within three miles of Academies in Han-
over Beat, in the county of Coosa.

The bill was ordered to a third reading.

Mr. Kimball reported, as correctly enrolled:

An act to make a loan to the Alabama and Tennessee Riv-
ers Railroad Company.

Message from the House by Mr. Chapman.

Mr. President:

The House has adopted the following resolutions:

Resolved, That with the concurrence of the Senate, the two
Houses will meet in the Hall of the House, on Tuesday next,
at 12 o'clock, M., to elect a Judge of the Supreme Court, to
fill the vacancy occasioned by the resignation of the Hon.
George Goldthwaite.

Mr. Acklin reported favorably on the bill to authorize the
administrator of William J. Sanders to remove the adminis-
tration from the county of Jackson to the county of Madi-
son.

The bill was ordered to a third reading.

The Senate resumed the consideration of the bill to amend
section 1537 of the Code.

The question pending on concurring in the report of the
Judiciary committee on said bill,

Mr. Gunn moved to lay the report on the table, which was
carried.

Mr. Gunn moved to amend by way of substitute.

Mr. Bradford moved to lay the amendment on the table,
which was carried.

Mr. H. C. Jones moved to amend as follows:

Provided, That this act shall only apply to bills drawn af-
ter the passage of this act.

Which was adopted.

Mr. Gunn moved to amend by way of proviso, as follows:

Provided, That this account shall not apply to any bills
payable at any place out of the United States;

Which was adopted, and the bill ordered to a third read-
ing.

The Senate proceeded to the consideration of the special or-
der, it being the bill to renew the loan to the Mobile and Ohio
Railroad Company, which passed over the Executive veto.

Yeas 22; nays 5.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Be-thea, Bradford, Cocke, Felder, Gunn, Hatcher, Hewlett, Jones of Franklin, Kimball, Lamar, Malone, Nelson, Patton, Taylor, Webb, Wilson of Jackson and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Jones of Fayette, Peterson and Searcy.

Mr. Hewlett, from committee on Rules, charged with the printing of the rules as amended, reported that the committee had performed that duty, and requested to be discharged from the further consideration of the subject.

The report was concurred in.

And the Senate adjourned until Monday morning, half past 9 o'clock.

MONDAY, January 14, 1856.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. Kimball, from the committee on Enrolled Bills, reported, as correctly enrolled :

An act to divorce John Sullivan from his wife, Sarah Sullivan.

An act to divorce Nancy J. Sanderson from her husband, Alexander Sanderson.

Mr. E. P. Jones presented the petition of F. H. Stewart and others, which was referred to the committee on County Boundaries.

Mr. Patton presented the petition of Sterling A. Nance and William Shaler, which was referred to the committee on Education.

Mr. Gunn, from the committee on the Judiciary, reported favorably on the bill to incorporate the Camp Hill Academy, in the county of Tallapoosa.

The bill was ordered to a third reading.

Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed bills entitled as follows :

An act to incorporate the Alabama Manufacturing Company, at Selma.

To incorporate the Commercial Bank of Alabama.

To incorporate the Planters' Factory, at Autaugaville.

The House has also amended and passed a bill to regulate Coroners' sales in the county of Shelby.

Mr. Malone, from the committee on the Sixteenth Sections, reported adversely on the bill to authorize the Governor to issue a patent to Sewell Gregory.

The report was concurred in.

The House bill to revise an act therein named, &c. ;

The Senate bill to incorporate the Alabama Fire Engine Company, No. 2,

Were severally read the third time and passed.

The vote ordering the passage of a bill to amend an act, approved February 9, 1854, authorizing Courts of County Commissioners to establish, abolish and change the places of voting at election precincts,

Mr. Malone moved to amend by striking out the proviso, and insert an additional section, which was carried.

The bill was read the third time and passed.

The bill authorizing Courts of County Commissioners to establish, alter or abolish election precincts, was laid on the table.

The bill to amend section 1537 of the Code ;

The bill to prevent the destruction of fish ;

The bill to incorporate the Merchants' Insurance Company of Montgomery ;

The bill authorizing the administrator of Wm. J. Sanders to remove the administration from the county of Jackson to the county of Madison ;

And the bill to prevent the sale of spirituous liquors within three miles of Academies in Hanover Beat, in the county of Coosa ;

Were severally read the third time and passed.

The joint resolutions in reference to the cancelling and burning the redeemed notes of the Bank of Montgomery, now in the office of the Comptroller, were laid on the table.

The resolution from the House, proposing to elect a Judge of the Supreme Court, on Tuesday next, at 12 o'clock, M., to fill the vacancy occasioned by the resignation of the Hon. George Goldthwaite, was concurred in.

The bill for the relief of Obediah Milner, of Tallapoosa county, was read the second time and referred to the committee on 16th Sections.

The bill for the relief of Austin Murphree, late jailor of Blount county, was read the second time and ordered to a third reading.

The House bill to change the mode of assessing the tax of Butler county, was read the first and second times and referred to the committee on Finance.

The bill to provide for the registration of certain mutilated

notes of the State Bank and Branches, now in the Treasury, was made the special order for Friday next.

The bill for the relief of certain persons therein named, was read the first and second times and referred to the committee on 16th Sections.

Message from the House by Mr. Elmore, informing the Senate that the House had originated and passed a bill to amend an act entitled an act granting the right of way to the Nashville and Chattanooga Railroad.

The bill was read the first and second times and passed, and returned to the House of Representatives.

The House bill for the relief of certain persons therein named, was laid on the table.

The House bills—

To regulate the pay of the Sheriff and Clerk of Benton county for ex-officio services ;

For the relief of John A. Stowe and Isaac Stowe, of Tallapoosa county. ;

To authorize Charles Dear to erect gates across a road therein named ;

For the relief of Williams Chancellor, of Coosa county ;

To divorce Hulda Johnson from her husband, Spencer Johnson, and other persons therein named ;

To divorce Mary Ellza Greene from her husband, Rufus Greene, and other persons therein named ;

To authorize Thomas Thom to erect a certain dam therein named ;

For the relief of the purchasers and heirs of the estate of Arthur Fant, deceased ;

To divorce Susannah Caple from her husband, Samuel Caple ;

To authorize Benjamin Borden to erect gates across a road therein named, and to repeal a provision of a certain act ;

To divorce Thomas D. Broadway from his wife, Minty Broadway ;

To increase the pay of County Court Commissioners of the county of Franklin ;

In relation to the Court of County Commissioners in Shelby county ;

Were severally read the first time and ordered to a second reading.

The bill for the relief of certain persons therein named, was read the first and second times and referred to the committee on 16th Sections.

The bill to change the time of holding the Circuit Courts of the counties of Bibb and Autauga ;

The bill to divorce Jesse Kinsey from his wife, Monemia Kinsey ;

Were severally read three times forthwith and passed.

The House bills—

To remedy the evils arising from camp hunting ;

To amend the charter of the Opelika and Talladega Railroad Company ;

To alter and amend section 3046 of the Code, so far as relates to the county of Pickens ;

For the benefit of certain persons therein named ;

To allow executors and administrators discretionary power in certain cases ;

To authorize the Governor to appoint a person to act as Private Secretary, police officer for the State Capitol, State Librarian, and other purposes ;

Were severally read the first time and ordered to a second reading.

Message from the Governor by Mr. Catlin, informing the Senate that the Governor had approved—

An act to enable Railroad Companies to borrow money.

An act to create the office of Assistant County Surveyor in the county of Marion.

An act for the relief of certain persons therein named, citizens of Madison county.

The House bills to amend certain acts therein named ;

And the Senate bill to repeal sections 3289 and 3290 ;

Were laid on the table.

The House bills—

To establish a Captain's Beat on Sand Mountain, in DeKalb county ;

To authorize Justices of the Peace to have certain attachments executed ;

To shorten the session of the Legislature one month ;

To divorce Daniel Cannon from his wife, Jane Cannon ;

To prevent more effectually the commission of the offences of burglary and theft in this State ;

To authorize the removal of the administration of Wm. J. Sanders from Jackson to Madison county ;

To divorce Wm. B. Wilson from his wife, Sarah J. Wilson, and other persons therein named ;

In relation to fines imposed on road defaulters ;

Amendatory of an act establishing Commissioners' Districts in the county of Walker, approved January 6, 1852 ;

For the better protection of male minors in this State ;
 To repeal in part an act entitled an act to incorporate the
 the Pickens DeKalb Minute Men.

To lay off the county of Jefferson into four Commissioners' Districts ;

Were severally read the first time and ordered to a second reading.

The House bill to incorporate the Chunnenugee Female College, was read first, second and third times forthwith and passed.

The bill for the filling of vacancies in the office of overseers of public roads in Marion and Walker counties ;

And the joint resolutions to authorize the loan of muskets to the Rehobeth Male Academy ;

Were severally read the first time and ordered to a second reading.

The bill to incorporate the Middle Alabama Railroad Company, was taken up, and made the special order for Saturday next, at 12 o'clock, M.

The resolution heretofore offered by Mr. Patton, proposing that the two Houses of the General Assembly shall adjourn *sine die*, on Monday, the 28th instant, being the special order, was taken up by the Senate.

Mr. Taylor moved to strike out the "28th January," and insert in lieu thereof the "9th day of February."

Mr. Bethea moved to lay the resolution on the table, which was lost.

Yeas 8 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Bethea, Bradford, Brindley, Cocke, Hatcher, E. P. Jones and Kimball.

Those who voted in the negative are :

Messrs. Abernathy, Acklin, Ashley, Felder, Gunn, H. C. Jones, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb, Thomas Wilson and B. F. Wilson.

The question recurred on the motion of Mr. Taylor to strike out 28th January, and insert 9th February.

Mr. H. C. Jones called for a division of the question, which was first taken on striking out.

The Senate refused to strike out.

Mr. Bradford moved to postpone the further consideration of the subject until Monday next, which was lost.

The resolution was then made the special order for Saturday next, at 12 o'clock, M.

The bill for the relief of certain persons therein named, was read first and second times.

Mr. Bradford moved to amend by adding the name of Geo. W. Stone, which was adopted.

Mr. Taylor moved to refer the bill to the Judiciary committee, which was lost.

The bill was read the third time forthwith and passed.

Yeas 17 ; nays 7.

Those who voted in the affirmative are :

Messrs. President, Abernathy, Ashley, Bacon, Bethea, Bradford, Brindley, Felder, Gunn, Hewlett, Jenkins, E. P. Jones, Nelson, Peterson, Prince, Searcy and Webb.

Those who voted in the negative are :

Messrs. Acklin, Cocke, Jones of Franklin, Kimball, Patton, Taylor and Thomas Wilson.

Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed bills entitled as follows :

To extend the Fall term of the Chancery Court at Wetumpka, to give to the county of Shelby an additional term, and to postpone the commencement of the Fall terms of the Chancery Courts of Dallas, Perry and Greene counties.

To authorize the Sheriff of Sumter county, to summon Bailiffs in certain cases.

To incorporate the Selma and Tuskaloosa Telegraph Company.

To incorporate the Newbern Male Academy, in Greene county.

To authorize the administrator of Warren Herin to remove the administration from the county of Russell to the county of Macon.

Mr. Bradford introduced a bill to establish an additional Judicial Circuit, which was read the first and second times and referred to the Judiciary committee.

Mr. Hewlett offered the following resolution :

Resolved, That the committee on Printing, be instructed to have five hundred copies of the report of the lessees of the Penitentiary, and one thousand copies of the Inaugural Address of the Governor, John A. Winston, printed for the use of the Senate.

A division of the question being called, it was first taken on ordering the printing of five hundred copies of the report of the lessees of the Penitentiary.

Carried.

The question was then taken on ordering the printing of one thousand copies of the Inaugural Address of the Governor.

Lost.

Yeas 12 ; nays 12.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Bethea, Bradford, Brindley, Felder, Hewlett, H. C. Jones, E. P. Jones, Malone, Searcy and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Cocke, Gunn, Kimball, Lamar, Nelson, Patton, Peterson, Prince, Taylor, Webb and Thomas Wilson.

Mr. Nelson introduced a bill to incorporate the Alabama Roofing Slate Company, which was read the first and second times and referred to the committee on Internal Improvements.

The bill to apportion Representatives among the several counties in this State and to divide the State into Senatorial Districts, was taken up and made the special order for Friday next, 12 M.

Mr. Acklin introduced a bill to amend the charter of the Huntsville Female Seminary, granted by the Probate Court of Madison county, which was read the first, second and third times and passed.

Mr. Searcy introduced a bill to provide for burial expenses in the counties of Henry and Dale, which was read first time and ordered to a second reading.

Mr. Acklin introduced a bill to authorize the Probate Court of Madison county, to take jurisdiction of the estate of James F. Nimo, deceased, which was read first and second times and referred to the committee on the Judiciary.

Mr. Peterson introduced a bill to modify and regulate the interest law, which was read first time and ordered to a second reading.

Mr. Felder presented an account of Brittan & Blue against the State for printing, which was referred to the committee on Finance.

On motion of Mr. Taylor,

Resolved, That the committee on the Judiciary, be, and they are hereby instructed to enquire into the expediency of repealing all laws on the subject of duelling now extant in this State.

The Senate adjourned until to-morrow morning, 10 o'clock,
A. M.

JANUARY 15, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Mr. Malone, from the committee on Sixteenth Sections, to whom was referred the petition of James Foshee, of Conecuh county, asking for the issuance of a patent for certain lands therein named, reported a bill which was read three times forthwith and passed.

On motion of Mr. Searcy,

Resolved, That the committee on the Judiciary, be, and the same are hereby required to make a report on the subject of Annual Sessions of the General Assembly at as early a day as practicable.

Mr. Bethea introduced a bill to amend section 3289 of the Code of Alabama, which was read first, second and third times forthwith and passed.

Mr. Brindley introduced a bill to authorize the Courts of Commissioners' to change the lines of company beats and to increase or reduce their number, which was read first and second times and referred to the Military committee.

Mr. Prince introduced a bill to authorize the Court of County Commissioners' of Washington county, to issue bonds to raise money with which to build a jail, which was read three times forthwith and passed.

The bill to incorporate the Camp Hill Academy, in the county of Tallapoosa, was read the third time and passed.

Mr. Kimball, from committee on Enrolled Bills, reported as correctly enrolled :

An act for the relief of Registers in Chancery.

The House bill to amend the charter of the Opelika and Talladega Railroad Company, was read the second and third times and passed.

The House bills to remedy the evils arising from camp hunting, was read the second time and referred to Judiciary committee.

The House bill in relation to the Court of County Commissioners' of Shelby county, was read the second and third times and passed.

The House bill to divorce Susannah Caple from her husband, Samuel Caple, and other persons therein named ; and,

The House bill to divorce Thomas D. Broadway from his wife, R. Minty Broadway, were severally read the second time and referred to the committee on Divorce and Alimony.

The House bill to authorize Benjamin Borden, to erect gates across a road therein named, was read the second time

and referred to the committee on Roads, Bridges and Ferries.

On motion of Mr. Taylor,

A vote ordering a reference was reconsidered, and the bill indefinitely postponed.

The House bill to increase the pay of the County Court Commissioners' of the county of Franklin, was read second time and referred to Judiciary committee.

The bill to shorten the Session of the Legislature one month, was read second time and referred to the same committee.

The House bill to divorce William B. Wilson from his wife, Sarah J. Wilson, and other persons therein named.

To divorce Mary E. Green from her husband, Rufus Green, and other persons therein named.

To divorce Hulda Johnson from her husband, Spencer Johnson, and other persons therein named ; and,

To divorce Daniel Cannon from his wife, Jane Cannon, were severally read a second time and referred to the committee on Divorce and Alimony.

The House bill for the relief of Williams Chancellor of Coosa county. was read second time and laid on the table.

The House bill to authorize Charles Dear to erect gates across a road therein named, was read second time and referred to the committee on Roads, Bridges and Ferries.

The House bill for the relief of John A. Stowe and Isaac Stowe, of Tallapoosa county : and,

The Senate bill for the relief of Austin Murphree, Jailor of Blount county, were severally read second and third times and passed.

The House bills to repeal in part an act entitled an act to incorporate the Pickens and DeKalb Minute Men.

To lay off the county of Jefferson into four Commissioners' Districts.

To change the manner of apportioning overseers of roads in Marion and Walker counties.

For the relief of the purchasers and heirs of the estate of Arthur Fant, deceased.

To authorize Thomas Thom and Sons, of Franklin county, to erect a certain dam therein named.

To regulate the pay of the Sheriff and Clerk of Benton county. for ex officio services, and amendatory to an act establishing Commissioners' Districts in the county of Walker, approved January 6, 1852, were severally read second time and ordered to a third reading.

The joint resolutions to authorize a loan of muskets to the Rehobeth Male Academy, were severally read second and third times and passed.

The House bill for the better protection of male minors in this State.

To prevent more effectually the commission of burglary and theft in this State.

To authorize Justices of the Peace to have certain attachments executed.

To allow executors and administrators discretionary power in certain cases.

To alter and amend section 3046 of the Code, so far as relates to Pickens county ; and,

The Senate bill for the burial expenses of the poor of Henry and Dale counties, were severally read a second time and referred to the committee on the Judiciary.

The House bill in relation to fines imposed on road defaulters.

The Senate bill to modify and regulate the interest laws, were severally read second time and referred to the committee on Propositions and Grievances.

The House bill establishing a Captain's Beat on Sand Mountain, in DeKalb county, was read twice and referred to the committee on Military.

The House bill to authorize the Governor to appoint a person to act as his Private Secretary, as Police Officer, for the State Capitol, State Library and other purposes, was read second time and referred to Finance committee.

The House bill for the benefit of certain persons therein named, was read the second time and referred to the committee on Accounts.

The House bill to extend the Fall term of the Chancery Court at Wetumpka, &c.

The House bill to incorporate the Alabama Manufacturing Company, at Selma.

The House bill to authorize the administrator of Warren Herring, deceased, to remove the administration from Russell to Macon county.

The House bill to incorporate the Newbern Male Academy, in Greene county ; and,

The House bill for the relief of the Executors of the last will and testament of James Blackman, deceased, were severally read the first, second and third times forthwith and passed.

The amendment of the House to the bill to regulate Sher-

iffs and Coroners sales in the county of Shelby, was concurred in by the Senate.

The House bills incorporating the Planters Factory at Autaugaville.

To incorporate the Selma and Tuskaloosa Telegraph Company.

To authorize the Sheriff of Sumter county to summon Bailiffs in certain cases.

For the relief of Sarah Ann Clark, of Morgan county.

To amend an act approved February 15, 1854, and to extend the jurisdiction of the Probate Courts of the several counties in this State.

For the benefit of L. H. Dickerson.

To regulate Sheriffs and Coroners sales in the county of St. Clair, and to authorize increased tax on retailers in the city of Montgomery, were severally read the first time and ordered to a second reading.

The House bill to incorporate the Commercial Bank of Alabama, was read the first and second times and referred to the committee on Banks and Banking.

The House bill to amend certain acts therein named, was taken from the table and referred to a select committee composed of the delegation from Mobile, Washington and Monroe.

The bill more effectually to secure subordination among slaves, by requiring the owners or overseers to reside with them, was read the first and second times and referred to the committee on Accounts.

Mr. Acklin presented the account of John Aday, Jailor of Madison county, which was referred to the committee on Propositions and Grievances.

Mr. Felder offered the following resolution :

Resolved, That with the concurrence of the House of Representatives, the two Houses will adjourn *sine die* on the 21st instant.

Mr. Bradford moved to lay the resolution on the table.

Yeas 17 ; nays 5.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Brindley, Cocke, Gunn, Hatcher, Hewlett, H. C. Jones, Kimball, Lamar, Malone, Taylor, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Felder, E. P. Jones and Prince.

A message from the House by Mr. Chapman, inviting the Senate into the hall of the House for the purpose of electing

a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of Hon. George Goldthwaite.

The Senate repaired to the hall of the House and the two Houses proceeded to the election.

Mr. Abernathy placed in nomination, the name of the Hon. Geo. W. Stone, of Lowndes.

Mr. Rice placed in nomination, the name of R. C. Brickell, of Madison.

Mr. Jackson placed in nomination, the name of David Clopton, of Macon.

FIRST BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Portis, Remson, Towles, Ward of Dale, Williams and Wright.—42.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pennington, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—40

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Gunn and Kimball, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey—38.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot a second time.

SECOND BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorier, Nabors, Nicholson, Portis, Remson, Towles, Ward of Dale, Williams and Wright—43.

Those who voted for Brickell, are :

Messrs. President, Acklin, Brindley, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—39.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Cocke, Gunn and Kimball, of the Senate : House—Messrs. Alford, Bernhard, Belser, Baadley, Brown of Marion, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey—41.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a third time.

THIRD BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Brown of Marion, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorier, Nabors, Nicholson, Pennington, Portis, Remson, Ward of Dale, Williams and Wright—44.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Brindley, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—38.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Cocke, Gunn and Kimball, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Towles, White, Wood and Woolsey—41.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a fourth time.

FOURTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Towles, Ward of Dale, Williams and Wright—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston—37.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Cocke, Gunn and Kimball, of the

Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, English, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—40.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot a fifth time.

FIFTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Pennington, Portis, Remson, Ward of Dale, Williams and Wright—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Prince and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Fowler, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Powell, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston—39.

Those who voted for Mr. Clopton, are ;

Messrs. Bacon, Bethea, Cocke, Gunn and Kimball, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Jackson, Lockett, Miree, Odem, Owens, Peddy, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, White, Wood and Woolsey—37.

Mr. Carpenter moved that this convention do now adjourn until to-morrow morning at 12 o'clock, M.

Lost.

The convention then proceeded to the

SIXTH BALLOT.

Those who voted for *Mr. Stone*, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—*Messrs.* Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Pennington, Portis, Remson, Towles, Ward of Dale, Williams and Wright—45.

Those who voted for *Mr. Brickell*, are :

Messrs. President, Acklin, Brindley, Jones of Franklin, Lamar, Malone, Prince, Taylor and Wilson of Jackson, of the Senate ; House—*Messrs.* Speaker, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Ellis of Benton, Fowler, Galloway, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston—39.

Those who voted for *Mr. Clopton*, are :

Messrs. Bacon, Betha, Cocke, Gunn and Kimball, of the Senate ; House—*Messrs.* Alford, Bernhard, Belser, Bradley, Brown of Marion, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Garleck, Gilmore, Graham, Jackson, Lockett, Miree, Oden, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—39.

Mr. Davis moved that this convention do now adjourn until to-morrow morning 12 o'clock, M.

Yeas and nays called.

Lost.

Yeas—*Messrs.* Bradford, Brindley, Felder, Jenkins, Jones of Franklin, Lamar and Wilson of Jackson, of the Senate ; House—*Messrs.* Speaker, Acree, Bishop, Bradley, Burgess, Camp, Chapman, Critcher, Davis, Dawson, Galloway, Garleck, Haden, Hancock, Hobbs, Jay, Jones, King, Kirkland, Lynch, Menasco, McConnell, Milligan, Moragne, Nabors, Nicholson, Pennington, Pryor, Reid, Rice, Sheffield, Smith of Franklin, Smith of Randolph, Ward of Cherokee, Winston and Wood—42.

Nays—*Messrs.* President, Abernathy, Acklin, Ashley, Ba-

con, Bethea, Cocke, Gunn, Hatcher, Hewlett, Jones of Fayette, Kimball, Malone, Nelson, Patton, Prince, Searcy, Taylor, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Alford, Barry, Beavers, Bernhard, Belser, Brown of Marion, Brown of Tuskaloosa, Browder, Byrne, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Crawford, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Gilmore, Goode, Graham, Grubbs, Howard, Jackson, Langdon, Little, Lockett, Maples, McBride, McClanahan, McMullen, Miree, Moorer, Odem, Owens, Peddy, Portis, Powell, Pynes, Remson, Rhodes, Sanford, Smith of Lauderdale, Smith of Mobile, Staton, Sykes, Taylor of Chambers, Taylor of Coosa, Thorn, Ward of Dale, White, Williams and Wright—77.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the seventh time.

SEVENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Ward of Dale, Williams and Wright—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Cocke, Jones of Fayette, Lamar, Malone, Prince, Taylor, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Towles, Ward of Cherokee and Winston—38.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Bethea, Gunn, Hatcher and Kimball, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Lauderdale, Smith of Mobile, Smith of

Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—39.

Mr. King moved that this convention do now adjourn until to-morrow morning at 12 o'clock, M.

Yeas and nays called.

Lost.

Yeas 49: nays 62.

Yeas—*Messrs.* Bradford, Jones of Franklin, Lamar and Wilson of Jackson, of the Senate; House—*Messrs.* Speaker, Beavers, Bishop, Bradley, Burgess, Byrne, Chapman, Critcher, Davis, Dawson, Ellis of Benton, Galloway, Garleck, Grubbs, Haden, Hancock, Hobbs, Jay, Jones, King, Larkins, Little, Lockett, Lynch, Maples, Menasco, McConnell, Milligan, Nabors, Nicholson, Odem, Pennington, Pryor, Reid, Rice, Sheffield, Smith of Franklin, Taylor of Chambers, Taylor of Mobile, Thornton, Towles, Ward of Cherokee, Winston, Wright and Wood—49.

Nays—*Messrs.* President, Abernathy, Acklin, Ashley, Bethea, Cocke, Felder, Gunn, Hatcher, Hewlett, Jenkins, Kimball, Malone, Nelson, Prince, Searcy, Taylor, Webb and Wilson of Pickens, of the Senate; House—*Messrs.* Acree, Alford, Barry, Bernhard, Belser, Brown of Marion, Brown of Tuskalooza, Browder, Camp, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Curry, Echols, Ellis of Blount, English, Fowler, Gilmore, Goode, Graham, Howard, Jackson, McBride, McClanahan, McMullen, Miree, Moragne, Moorer, Owens, Peddy, Portis, Powell, Pyres, Remson, Rhodes, Smith of Mobile, Staton, Sykes, Taylor of Coosa, Thorn, Ward of Dale and Williams—62.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the eighth time.

Mr. Bethea placed in nomination, the name of W. G. Jones, of Mobile.

EIGHTH BALLOT.

Those who voted for Mr. Stone, are:

Messrs. Abernathy, Bradford, Felder, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb and Wilson of Pickens, of the Senate; House—*Messrs.* Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Pennington, Portis, Remson, Towles, Ward of Dale, Williams and Wright—40.

Those who voted for *Mr. Brickell*, are :

Messrs. President, Acklin, Brindley, Cocke, Jones of Franklin, Lamar, Malone and Wilson of Jackson, of the Senate ; House—*Messrs.* Speaker, Burgess, Byrne, Carpenter, Chapman, Critcher, Davis, Fowler, Galloway, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—35.

Those who voted for *Mr. Clopton*, are :

Messrs. Bacon, Gunn and Kimball of the Senate ; House—*Messrs.* Alford, Bernhard, Belser, Bradley, Brown of Marion, Brown of Tuskalooza, Browder, Clanton of Montgomery, Cunningham, Dawson, Echols, Ellis of Blount, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Mirce, Odem, Owens, Peddy, Pynes, Rhodes, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White and Wood—32.

Those who voted for *Mr. Jones*, are :

Messrs. Ashley, Bethea, Hatcher, Prince and Taylor of the Senate House—*Messrs.* Clanton of Sumter, Crawford, Howard, Jay, Nicholson, Powell, Reid, Smith of Mobile and Taylor of Mobile—14.

Mr. Davis moved that this convention do now adjourn until to-morrow 12 o'clock.

The yeas and nays called.

Carried.

Yeas 70 ; nays 50.

Yeas—*Messrs.* President, Bacon, Bradford, Brindley, Jenkins, Jones of Franklin, Jones of Fayette, Lamar, Malone, Nelson, Wilson of Jackson and Wilson of Pickens, of the Senate ; House—*Messrs.* Speaker, Barry, Beavers, Bishop, Bradley, Burgess, Byrne, Camp, Chapman, Crawford, Critcher, Curry, Davis, Dawson, Ellis of Blount, Ellis of Benton, Galloway, Garleck, Goode, Grubbs, Haden, Hancock, Hobbs, Jackson, Jay, Jones, King, Kirkland, Larkins, Little, Lynch, Maples, Menasco, McConnell, McMullen, Moragne, Mooror, Nabors, Nicholson, Pennington, Portis, Pryor, Pynes, Reid, Rice, Smith of Franklin, Smith of Lauderdale, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, Thornton, Ward of Cherokee, Williams, Winston and Wright—70.

Nays—*Messrs.* Abernathy, Acklin, Ashley, Bethea, Cocke, Felder, Gunn, Hatcher, Hewlett, Kimball, Prince, Searcy, Taylor and Webb, of the Senate ; House—*Messrs.* Acree, Alford, Bernhard, Belser, Brown of Marion, Brown of Tus-

kaloosa, Browder, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cochran, Cunningham, Echols, English, Fowler, Gilmore, Graham, Howard, Lockett, McBride, McClanahan, Milligan, Miree, Odem, Owens, Peddy, Powell, Remson, Rhodes, Sanford, Staton, Sykes, Thorn, Ward of Dale, White and Wood—50.

The Senate then withdrew, and adjourned until to-morrow morning half past 9 o'clock.

JANUARY 16, 1855.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to authorize the Court of County Commissioners of Franklin county, to make appropriations for the relief of certain persons therein named, and the bill was ordered to a third reading.

Mr. Acklin, from the same committee, reported adversely on the bill for the filling of vacancies in the office of overseers of public roads in certain cases.

The report was concurred in.

Mr. Acklin reported favorably on the bill to authorize the Probate Court of Madison county, to take jurisdiction of the estate of James F. Nimmo, deceased, and the bill was read the third time forthwith and passed.

Mr. Malone reported favorably on the bill for the relief of Obediah Milner, of Tallapoosa county, and the bill was ordered to a third reading.

Mr. Gunn, from the committee on the Judiciary, reported a substitute for the bill to prevent the hunting of wild hogs.

On motion of Mr. Prince, the bill was laid on the table.

Mr. Kimball reported as correctly enrolled :

An act to incorporate the Mobile Steamship Company,

An act to regulate Sheriffs' and Coroners' sales in the county of Shelby.

An act for the relief of David B. Driskill and others, of Benton county.

Mr. B. F. Wilson, from the Select committee, to whom was referred the bill in relation to warehouse keepers, reported a substitute for the original bill, which was adopted, and the bill referred to the committee on the Judiciary.

Message from the Governor, by Mr. Catlin, informing the Senate that he had approved—

An act to amend an act to incorporate the Tennessee and Coosa River Railroad Company.

And an act for the relief of Registers in Chancery.

Mr. Cocke, from the committee on 16th Sections, reported favorably on the bill for the relief of certain persons therein named.

The bill was read the third time and passed.

Mr. Cocke, from the same committee, to whom was referred another bill for the relief of certain persons therein named, reported favorably, and the bill was read the third time and passed.

The bill to aid the Alabama Medical College, was taken up, and postponed until the Senate returned to its chamber.

Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed bills entitled as follows :

An act for the relief of Wm. Head, of Barbour county ;

An act to exempt the citizens of the town of Columbiana from working on public roads, except in the corporate limits thereof ;

To repeal an act therein named ;

For the relief of the Central Plank Road Company ;

For the relief of Jeannett C. Todd, of the county of Clarke ;

To reduce the compensation of the Commissioners of roads and revenue in the county of Cherokee ;

To authorize the Commissioners' Court of the county of Walker, to levy a county tax.

Mr. Bethea introduced a bill to incorporate the Shelby Coal Company, which was read the first and second times and referred to the committee on Internal Improvement.

A message from the House, by Mr. Chapman, inviting the Senate to return to the Hall of the House, and resume the balloting for Supreme Court Judge.

The Senate repaired to the Hall of the House, and the convention of the two Houses proceeded to ballot a 9th time, Messrs. Stone, Brickell, Clopton and Jones being in nomination.

NINTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Bradford, Felder, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, and Wilson of Picken, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, English, Goode, Jones, King, Kirkland, Little, Lynch, McBride, Mc-

Clanahan, McConnell, McMullen, Milligan, Moragne, Moor-
 ers, Nabors, Pennington, Portis, Pynes, Remson, Smith of Lau-
 derdale, Towles, Ward of Dale, Williams and Wright—43.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Brindley, Jones of Franklin,
 Lamar, Malone, Wilson of Jackson, of the Senate ; House—
 Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpen-
 ter, Chapman, Critcher, Davis, Ellis of Blount, Fowler, Ha-
 den, Grubbs, Hancock, Hobbs, Larkins, Maples, Menasco,
 Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton,
 Sykes, Thornton, Thorn, Ward of Cherokee and Winston—
 38.

Those who voted for Mr. Clopton, ore :

Messrs. Bacon, Baker, Gunn, Kimball, of the Senate; House
 —Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tus-
 kaloosa, Browder, Clanton of Montgomery, Cunningham,
 Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson,
 Lockett, Miree, Oden, Owens, Peddy, Reid, Rhodes, Smith
 of Randolph, Taylor of Chambers, Taylor of Coosa, White,
 Wood and Woolsey—31.

Those who voted for Mr. Jones, are :

Messrs. Ashley, Bethea, Cocke, Hatcher, Jemison, Prince,
 Taylor, of the Senate ; House—Messrs. Crawford, Gilmore,
 Howard, Jay, Langdon, Nicholson, Powell, Smith of Mobile
 and Taylor of Mobile—16.

Neither candidate having received a majority of all the
 votes cast, the convention proceeded to ballot the 10th time.

TENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Bradford, Brindley, Felder, Hatcher,
 Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy,
 Webb, Wilson of Pickens, of the Senate ; House—Messrs.
 Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry,
 English, Goode, Jones, King, Kirkland, Little, Lynch, Mc-
 Bride, McClanahan, McConnell, McMullen, Milligan, Mo-
 ragne, Moorers, Nabors, Pennington, Portis, Pynes, Remson,
 Smith of Lauderdale, Towles, Ward of Dale, Williams and
 Wright—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Ma-
 lone, Wilson of Jackson, of the Senate ; House—Messrs.
 Speaker, Brown of Marion, Burgess, Carpenter, Chapman,
 Critcher, Davis, Ellis of Blount, Fowler, Grubbs, Haden,

Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—33.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Kimball, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Bradley, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Cunningham, Dawson, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Reid, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—30.

Those who voted for Mr. Jones, are :

Messrs. Ashley, Bethea, Cocke, Jemison, Prince, Taylor, of the Senate ; House—Messrs. Byrne, Crawford, Gilmore, Howard, Jay, Langdon, Nicholson, Smith of Mobile, Taylor of Mobile—15.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the eleventh time.

Mr. Bethea withdrew the name of Mr. W. G. Jones.

Mr. Wilson placed in nomination the Hon. James B. Clark.

ELEVENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hewlett, Jenkins, Nelson, Patton, Searcy, Webb, of the Senate ; House—Messrs. Acree, Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Howard, Jay, Kirkland, Little, Lynch, McBride, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Ward of Dale and Wright—38.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Burgess, Chapman, Critcher, Davis, Ellis of Blount, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—30.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Jemison, Kimball, of the Senate ; House—Messrs. Alford, Belser, Bradley, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Gra-

ham, Jackson, Lockett, Owens, Peddy, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, White, Wood and Woolsey—30.

Those who voted for Mr. Clarke, are :

Messrs. Bethea, Brindley, Cocke, Hatcher, Jones of Fayette, Prince, Wilson of Pickens, of the Senate ; House—Messrs. Brown of Marion, Byrne, Carpenter, Clanton of Sumter, Fowler, Gilmore, Goode, Jones, King, Langdon, McClanahan, Miree, Powell, Reid, Smith of Mobile, Taylor of Mobile and Williams—24.

Neither candidate having received a majority of all the votes cast,

Mr. Winston moved that this convention do now adjourn, until to-morrow morning, 12 o'clock.

The convention refused to adjourn.

Yeas 48 ; nays 68.

Yeas—Messrs. President, Abernathy, Bradford, Felder, Jones of Franklin, Kimball, Lamar, Nelson, Wilson of Jackson, Wilson of Pickens, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Chapman, Cochran, Crawford, Curry, Davis, Dawson, Goode, Haden, Hancock, Jones, King, Kirkland, Lynch, Maples, Menasco, Milligan, Nabors, Pennington, Pryor, Reid, Remson, Rice, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Staton, Taylor of Chambers, Thorn, Towles, Ward of Cherokee, Williams, Winston, Wood and Woolsey—48.

Nays—Messrs. Acklin, Ashley, Bacon, Baker, Bethea, Cocke, Gunn, Hatcher, Hewlett, Jenkins, Jones of Fayette, Malone, Patton, Prince, Searcy, Webb, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Bernhard, Belser, Bishop, Brown of Tuskaloosa, Browder, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Garleck, Gilmore, Graham, Grubbs, Hobbs, Howard, Jackson, Jay, Langdon, Larkins, Little, Lockett, McBride, McClanahan, McConnell, McMullen, Miree, Moragne, Moorer, Nicholson, Odem, Owens, Peddy, Portis, Powell, Pynes, Rhodes, Sanford, Taylor of Coosa, Thornton, Ward of Dale and Wright—68.

Convection proceeded to the 12th ballot.

TWELFTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Hewlett, Jenk

Jones of Fayette, Nelson, Patton, Searcy, Webb, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Cochran, Curry, English, Howard, Jay, Kirkland, Little, Lynch, McBride, McConnell, McMullen, Milligan, Moragne, Moorner, Nicholson, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Towles, Ward of Dale and Wright—38.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Byrne, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Grubbs, Haden, Hancock, Hoobs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—32.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Kimball, Prince, of the Senate ; House—Messrs. Alford, Belser, Bradley, Brown of Tuscaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Odem, Owens, Peddy, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Wood and Woolsey—29.

Those who voted for Mr. Clark, are :

Messrs. Bethea, Hatcher, Wilson of Pickens, of the Senate ; House—Messrs. Brown of Marion, Carpenter, Fowler, Gilmer, Goode, Jones, King, Langdon, McClanahan, Miree, Nabors, Powell, Reid, Smith of Mobile, Taylor of Mobile and Williams—19.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the thirteenth time. The name of Mr. Clark was withdrawn.

THIRTEENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Nicholson, Pennington, Portis, Remson, Smith of Lauderdale, Towles, Ward of Dale, Williams and Wright—47.

Those who voted for *Mr. Brickell*, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—*Messrs.* Speaker, Burgess, Byrne, Carpenter, Clanton of Sumter, Critcher, Ellis of Blount, Fowler, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston—35.

Those who voted for *Mr. Clopton*, are :

Messrs. Bacon, Baker, Bethea, Cocke, Gunn, Kimball, Prince, Taylor, of the Senate ; House—*Messrs.* Alford, Bernhard, Belser, Bradley, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Davis, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—40.

Neither candidate having received a majority of all the votes cast, the convention proceeded to the fourteenth ballot.

Mr. Malone moved that this convention do now adjourn until to-morrow, 12 o'clock, M.

And the yeas and nays were called.

The convention refused to adjourn.

Yeas 40 ; nays 80.

Yeas—*Messrs.* President, Bradford, Jones of Franklin, Lamar, Malone, Nelson, Wilson of Jackson, Wilson of Pickens, of the Senate ; House—*Messrs.* Speaker, Beck, Bradley, Burgess, Byrne, Chapman, Cochran, Crawford, Critcher, Davis, Dawson, Goode, Grubbs, Haden, Hancock, Hobbs, Jones, King, Lynch, Maples, Nabors, Pennington, Pryor, Reid, Remson, Rice, Sheffield, Smith of Franklin, Smith of Mobile, Smith of Randolph, Staton, Taylor of Chambers, Towles and Ward of Cherokee—40.

Nays—*Messrs.* Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Cocke, Felder, Gunn, Hatcher, Hewlett, Jemison, Jenkins, Jones of Fayette, Kimball, Patton, Prince, Searcy, Taylor, Webb, of the Senate ; House—*Messrs.* Acree, Alford, Barry, Beavers, Bernhard, Belser, Bishop, Brown of Marion, Brown of Tuskaloosa, Browder, Camp, Carpenter, Clanton of Montgomery, Clanton of Sumter, Cunningham, Curry, Echols, Ellis of Blount, Ellis of Benton, English, Fowler, Garleck, Gilmore, Graham, Howard, Jackson, Kirkland, Langdon, Larkins, Little, Lockett, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Miree, Moragne, Moorer, Nich-

olson, Odem, Owens, Peddy, Portis, Powell, Pynes, Rhodes, Sanford, Sykes, Taylor of Coosa, Taylor of Mobile, Thornton, Thorn, Ward of Dale, White, Williams, Wright, Wood and Woolsey—80.

FOURTEENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashlely, Bradford, Felder, Hatcher, Jenkins, Jones of Fayette, Nelson, Patton, Searcy, Webb, Wilson of Pickens, of the Senate; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Towles, Ward of Dale, Williams and Wright—49.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate; House—Messrs. Speaker, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Grubbs Haden, Hancock, Hobbs, Larkins, Maples, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winsion—35.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Bethea, Cocke, Gunn, Jemison, Kirkland, Prince, Taylor, of the Senate; House—Messrs. Alford, Bernhard, Belser, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Gilmore, Graham, Jackson, Langdon, Lockett, Miree, Odem, Owens, Peddy, Powell, Reid, Rhodes, Smith of Mobile, Taylor of Coosa, White and Wood—37.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the fifteenth time.

Mr. Davis moved that this convention do now adjourn.

The yeas and nays were called.

Lost.

Yeas 46 ; nays 62.

Yeas—Messrs. President, Baker, Bethea, Bradford, Felder, Jones of Franklin, Lamar, Malone, Nelson, Prince, Searcy,

of the Senate; House—*Messrs.* Speaker, Belser, Bradley, Browder, Burgess, Chapman, Cochran, Critcher, Curry, Ellis of Blount, Ellis of Benton, Goode, Haden, Hancock, Hobbs, Jay, Jones, King, Little, Lockett, Lynch, Pryor, Reid, Rice, Rhodes, Sheffield, Smith of Franklin, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Mobile, Towles, Ward of Cherokee, Winston and Wood—46.

Nays—*Messrs.* Abernathy, Acklin, Ashley, Bacon, Cocke, Gunn, Hatcher, Hewlett, Jemison, Jenkins, Jones of Fayette, Kimball, Patton, Taylor, Webb, of the Senate; House—*Messrs.* Acree, Alford, Barry, Beavers, Bernhard, Beck, Brown of Tuskaloosa, Clanton of Montgomery, Clanton of Sumter, Crawford, Cunningham, Davis, Dawson, Echols, Gilmore, Graham, Grubbs, Howard, Jackson, Kirkland, Langdon, Menasco, McBride, McClanahan, McMullen, Milligan, Miree, Moragne, Moorner, Nabors, Nicholson, Odem, Owens, Peddy, Portis, Powell, Pynes, Remson, Sanford, Sykes, Taylor of Coosa, Thornton, Thorn, Ward of Dale, White, Williams and Wright—62.

Mr. Sykes moved to adjourn until half past 7 o'clock, P. M.

Lost.

Mr. Winston moved to adjourn until quarter before 12 o'clock, to-morrow.

Motion prevailed.

The Senate then withdrew to its chamber.

The Senate then adjourned until to-morrow morning, 10 o'clock.

JANUARY 17, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Taylor offered the following resolution:

Resolved, That hereafter the Senate will convene at half past 3 o'clock, P. M., and continue in Session until half past 5, P. M., and that its evening Sessions shall be devoted exclusively to the consideration of the vetoed Memphis and Charleston Railroad loan bill, and such other vetoed bills, if any, as may be before the Senate, and shall continue until said bills are disposed of. Which lies over one day.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled:

An act to amend an act entitled an act, granting the right of way to the Nashville and Chattanooga Railroad Company.

Mr. Bradford, from the committee on Banks and Banking, reported the bill to incorporate the Commercial Bank of Alabama with sundry amendments, which were adopted.

Mr. Malone moved to strike out "Selma," and insert "Decatur."

The bill was made the special order for Friday, the 25th instant.

Message from the House by Mr. Chapman.

Mr. President :

The House has passed Senate bills entitled :

An act making appropriations to pay Edmund Reeves, Jailor of Jackson county, for victualing a prisoner confined in the Jail of said county ;

An act to amend the charter of the Mississippi, Gainesville and Tuskaloosa Railroad Company.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to prevent more effectually the offence of burglary and theft in this State, and the bill was ordered to a third reading.

Mr. Acklin, from the same committee, to whom was referred the bill to regulate the time of holding the Circuit Court in the county of Pike, reported a substitute.

The bill and amendment were referred to the Select committee, raised on the bill to create an additional Circuit.

Mr. Acklin reported favorably on the bill to increase the pay of the Commissioners' of the County Court of Franklin county, and the bill was ordered to a third reading.

Mr. Acklin reported adversely on the bill to prevent the evil arising from camp hunting.

The report was concurred in

Mr. Acklin reported the bill to shorten the Session of the Legislature one month, and recommended an amendment to the caption.

The report and bill were laid on the table.

Mr. Kimball reported as correctly enrolled :

An act making an appropriation to pay Edmund Reeves, Jailor of Jackson county, for victualing a prisoner confined in the Jail of said county.

Mr. Acklin reported unfavorably on the bill for the better protection of male minors in this State.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled :

An act to incorporate the Medical College in Mobile ;

To incorporate the East Alabama Insurance Company at Auburn, in Macon county ;

To repeal the fees of the Probate Judge of Cherokee county, in issuing marriage license ;

To change the time of holding the Circuit Courts of the counties of Bibb and Autauga ;

To extend the time of holding the Circuit Court in the county of Morgan, and to change the time of holding the same in the county of Hancock ;

To incorporate the Tuskegee Insurance Company ;

To divorce Martha C. Cowart from her husband, Wiley G. Cowart, and other persons therein named ;

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Montgomery, January 17, 1856. }

To the Senate :

The bill to be entitled "An act to make a loan to the Alabama and Tennessee Rivers Railroad Company" is similar in its provisions and purposes, to the bill to make a loan to the Memphis and Charleston Railroad Company. The objections submitted for the consideration of the Legislature on that bill, apply with equal force to the one now under consideration, and to which I refer, as reasons against the passage of this bill.

Reflection, and the advice and counsel of able jurists, and others of one constituency, whose opinions are entitled to respect from me, but confirm me in my objections to a re-issue, as loans, or in any other manner, of the bills of *defunct* banks, having no longer any corporate existence or assets of any value scarcely. We are full aware of the unpleasant fact, that our treasury is almost empty, as regards other funds.

The re-emission of these notes will be second only, in its injurious effects to the country, to the original issue of these same notes. The people have condemned the whole system, and it is time it should be brought to a close.

The proposition is equivalent to a tax on the people, directly, to aid private corporations ; for the bill can only be absorbed and taken back in the treasury by taxation. How many would be found to advocate a proposition to raise, by direct taxation, a fund for such a purpose ? Few, I imagine. Yet this scheme of loans of the old State Bank bills proposes to do this, and, even more, to cause the State to be filled with an irredeemable paper currency little better than trash, and by which the State must lose. Besides, if loans are made, we may expect extensions to indefinite periods, or, if the people, in opposition to the combined railroad influence, should have

the strength, and attempt to enforce the repayment of the loans thus made, they will most probably lose the whole, for the corporations will please a want of consideration in the original loans of these bills, or the constitutional power of the State to make them. Corporations are proverbially soul-less, and the directors or managers, when they have any soul or honor to begin with, are soon relieved of such inconvenient monitors. In the name of the future honor of the State, and our over-taxed and oppressed constituency, I protest against such inwholsome and dangerous legislative experiments. If it is the intention of the Legislature to adopt a general system of loans, and other roads are to have such aid from the State, I conceive this road more entitled to State favor than any other, but I conceive the whole scheme to be at war with all the teachings of experience and sound statemanship, and full of future mischief. I, therefore, cannot sign the bill.

JOHN A. WINSTON.

The further consideration of the bill and message was postponed until to-morrow at 12 o'clock.

A Message was received from the House of Representatives, inviting the Senate to return to the hall of the House of Representatives to resume the balloting for Supreme Court Judge.

The Senate repaired to the hall of the House, and the convention of the two Houses proceeded to ballot a fifteenth time for a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Honorable George Goldthwaite.

Messrs. Stone, Brickell and Clopton being still in nomination.

FIFTEENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Nicholson, Pennington, Portis, Remson, Smith of Lauderdale, Taylor of Mobile, Towles, Ward of Dale, Williams and Wright—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Taylor, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne,

Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—40.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Bethea, Cocke, Gunn, Jemison, Kimball and Prince, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Brown of Tuskaloosa, Browder, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Powell, Pynes, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, White, Wood and Woolsey—37.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the 16th ballot.

SIXTEENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Felder, Hatcher, Hewlett, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Barry, Beavers, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Pennington, Portis, Pynes, Remson, Smith of Lauderdale, Towles, Ward of Dale, Williams and Wright—45.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Cocke, Jones of Franklin, Lamar, Malone, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Nicholson, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—42.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Bethea, Gunn, Jemison, Kimball and Prince, of the Senate ; House—Messrs. Alford, Belser, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Langdon, Lockett, Miree, Odem, Owens,

Peddy, Powell, Peid, Rhodes, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey—36.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the 17th ballot.

SEVENTEENTH BALLOT.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bradford, Brindley, Felder, Hatcher, Hewlett, Jenkins, Jones of Fayette, Nelson, Patton, Webb and Wilson of Pickens, of the Senate ; House—Messrs. Acree, Barry, Beavers, Beck, Bishop, Camp, Cochran, Curry, English, Goode, Howard, Jay, Jones, King, Kirkland, Little, Lynch, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Pennington, Portis, Remson, Smith of Lauderdale, Taylor of Chambers, Towles, Ward of Dale, Williams and Wright—47.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Cocke, Jones of Franklin, Lamar, Malone, Taylor and Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Menasco, Nicholson, Pryor, Rice, Sanford, Sheffield, Smith of Franklin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—42.

Those who voted for Mr. Clopton, are :

Messrs. Bacon, Baker, Gunn, Kimball and Prince, of the Senate ; House—Messrs. Alford, Bernhard, Belser, Brown of Tuskaloosa, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Odem, Owens, Peddy, Pynes, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Coosa, Taylor of Mobile, White, Wood and Woolsey—34.

Mr. Bethea voted for Mr. Jones.

Mr. Powell voted for Mr. E. W. Peck.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot the eighteenth time.

Mr. Smith of Lauderdale placed in nomination the Hon. A. B. Moore of Perry.

EIGHTEENTH BALLOT.

Those who voted for *Mr. Stone*, are :

Messrs. *Abernathy, Ashley, Bethea, Bradford, Felder, Hatcher, Jenkins, Jones of Fayette, Nelson, Patton, Webb*, of the Senate ; House—Messrs. *Acree, Alford, Barry, Beavers, Bishop, Cochran, Curry, English, Jay, Jones, King, Kirkland, Little, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Portis, Pynes, Remson, Smith of Lauderdale, Taylor of Chambers, Towles, Ward of Dale, Williams and Wright*—42.

Those who voted for *Mr. Brickell*, are :

Messrs. *President, Acklin, Cocke, Jones of Franklin, Kimball, Lamar, Malone, Taylor, Wilson of Jackson*, of the Senate ; House—Messrs. *Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Haden, Hancock, Hobbs, Larkins, Maples, Menasco, Pryor, Rice, Sanford, Smith of Franklin, Staton, Sykes, Thornton, Thorn and Winston*—38.

Those Who voted for *Mr. Clopton*, are :

Messrs. *Bacon, Baker, Gunn, Hobdy, Jemison, Prince*, of the Senate ; House—Messrs. *Bernhard, Brown of Tuskalooza, Browder, Clanton of Montgomery, Crawford, Cunningham, Dawson, Echols, Ellis of Benton, Garleck, Graham, Jackson, Lockett, Miree, Nicholson, Odem, Owens, Peddy, Powell, Reid, Rhodes, Smith of Mobile, Smith of Randolph, Taylor of Coosa, White, Wood and Woolsey*—32.

Those who voted for *Mr. Moore*, are :

Messrs. *Brindley, Hewlett, Wilson of Pickens*, of the Senate ; House—Messrs. *Beck, Belser, Camp, Goode, Grubbs, Howard, Langdon, Lynch, Pennington and Taylor of Mobile*—13.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the 19th ballot.

Mr. Hewlett of the Senate placed in nomination the Hon. *J. W. Lessesne*, of Mobile.

NINETEENTH BALLOT.

Those who voted for *Mr. Stone*, are :

Messrs. *Abernathy, Ashley, Bethea, Bradford, Felder, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb*, of the Senate ; House—Messrs. *Acree, Alford, Barry, Beavers, Beck, Bishop, Cochran, Curry, Goode, Jay, Jones, King,*

Kirkland, Little, Lockett, Lynch, *McBride*, *McClanahan*, *McConnell*, *McMullen*, *Milligan*, *Moragne*, *Moorer*, *Nabors*, *Portis*, *Remson*, *Towles*, *Ward of Dale*, *Williams*, *Wright*, *Wood* and *Woolsey*—43.

Those who voted for *Mr. Brickell*, are :

Messrs. President, *Acklin*, *Jones of Franklin*, *Lamar*, *Malone*, *Wilson of Jackson*, of the Senate ; House—*Messrs.* Speaker, *Bradley*, *Brown of Marion*, *Burgess*, *Byrne*, *Carpenter*, *Chapman*, *Clanton of Sumter*, *Critcher*, *Davis*, *Ellis of Blount*, *Fowler*, *Galloway*, *Gilmore*, *Haden*, *Hancock*, *Hobbs*, *Larkins*, *Maples*, *Odem*, *Pryor*, *Rice*, *Sanford*, *Sheffield*, *Smith of Franklin*, *Staton*, *Sykes*, *Thornton*, *Thorn* and *Winston*—36.

Those who voted for *Mr. Clopton*, are :

Messrs. *Bacon*, *Baker*, *Gunn*, *Hewlett*, *Jemison*, *Kimball*, *Prince*, *Taylor*, of the Senate ; House—*Messrs.* *Belser*, *Brown of Tuskaloosa*, *Browder*, *Clanton of Montgomery*, *Cunningham*, *Dawson*, *Echols*, *Ellis of Benton*, *English*, *Garleck*, *Graham*, *Jackson*, *Nicholson*, *Owens*, *Peddy*, *Powell*, *Pynes*, *Rhodes*, *Smith of Randolph*, *Taylor of Coosa* and *White*—28.

Those who voted for *Mr. Lessesne*, are :

Messrs. *Wilson of Pickens*, of the Senate ; House—*Messrs.* *Grubbs*, *Howard*, *Langdon*, *Pennington* and *Taylor of Mobile*—6.

Those who voted for *Mr. Moore*, are :

Messrs. *Cocke*, *Hatcher*, of the Senate, House—*Messrs.* *Bernhard*, *Camp*, *Crawford*, *Menasco*, *Miree*, *Reid*, *Smith of Lauderdale*, *Smith of Mobile*, *Taylor of Chambers*, *Ward of Cherokee*—12.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the 20th ballot.

TWENTIETH BALLOT.

Those who voted for *Mr. Stone*, are :

Messrs. *Abernathy*, *Ashley*, *Felder*, *Hewlett*, *Hobby*, *Jenkins*, *Jones of Fayette*, *Nelson*, *Webb*, of the Senate ; House—*Messrs.* *Acree*, *Barry*, *Beavers*, *Beck*, *Bishop*, *Cochran*, *English*, *Goode*, *Jay*, *Jones*, *King*, *Kirkland*, *Little*, *Lynch*, *Menasco*, *McClanahan*, *McConnell*, *McMullen*, *Milligan*, *Moragne*, *Moorer*, *Nabors*, *Pennington*, *Portis*, *Powell*, *Pynes*, *Remson*, *Taylor of Chambers*, *Towles*, *Ward of Dale*, *Williams*, *Wright* and *Wood*—42.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Jones of Franklin, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Sumter, Critcher, Davis, Ellis of Blount, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Larkins, Maples, Pryor, Rice, Sanford, Sheffield, Smith of Frankin, Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—37.

Those who voted for Mr. Clopton, are :

Messrs. Bacon and Gunn, of the Senate ; House—Messrs. Alford, Brown of Tuskaloosa, Browder, Cunningham, Dawson, Echols, Garleck, Graham, Jackson, Owens, Peddy, Rhodes, Taylor of Coosa and White—16.

Those who voted for Mr. Lessesne, are :

Mr. Wilson of Pickens, of the Senate ; House—Messrs. Howard and Langdon—3.

Those who voted for Mr. Moore, are :

Mr. Cocke, of the Senate ; House—Messrs. Bernhard, Crawford, Ellis of Benton, Mirce, Reid, Smith of Lauderdale and Smith of Mobile—8.

Those who voted Mr. Elmore, are :

Messrs. Baker, Bethca, Bradford, Hatcher, Jemison, Kimball, Patton, Prince and Taylor, of the Senate ; House—Messrs. Belser, Camp, Clanton of Montgomery, Curry, Lockett, McBride, Nicholson, Odem, Smith of Randolph, Taylor of Mobile and Woolsey—20.

Neither candidate having received a majority of all the votes cast, the convention proceeded to ballot the 21st time.

TWENTY-FIRST BALLOT.

The names of Messrs. Clopton and Moore being withdrawn, Mr. Prince placed in nomination the Hon. E. W. Peck, of Tuskaloosa.

Those who voted for Mr. Stone, are :

Messrs. Abernathy, Ashley, Bacon, Bradford, Felder, Gunn, Hatcher, Hewlett, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Beck, Bishop, Browder, Cochran, Curry, Dawson, Echols, Garleck, Goode, Jackson, Jay, Jones, King, Kirkland, Little, Lockett, Lynch, Menasco, McBride, McConnell, McMullen, Milligan, Moragne, Moorer, Nabors, Peddy, Portis, Pynes, Remson, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor

of Coosa, Towles, Ward of Dale, Williams, Wright and Wood—57.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Baker, Cocke, Jones of Franklin, Kimball, Lamar, Malone, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bernhard, Belser, Bradley, Brown of Marion, Burgess, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Cunningham, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Haden, Hancock, Hobbs, Larkins, Maples, Miree, Odem, Oweus, Pryor, Rice, Sanford, Sheffield, Smith of F., Staton, Sykes, Thornton, Thorn, Ward of Cherokee and Winston—47.

Those who voted for Mr. Lesseesne, are :

Messrs. Grubbs, Howard, Langdon, Nicholson, Pennington, Rhodes, Smith of Mobile, and Taylor of Mobile—8.

Those who voted for Mr. Peck, are :

Messrs. Jemison, Prince and Taylor, of the Senate ; House—Messrs. Brown of Tuskalooza, Camp, Gilmore, McClanahan, Powell and Reid—9.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot the twenty-second time.

The name of Mr. Peck being withdrawn.

TWENTY-SECOND BALLOT.

Those who voted Mr. Stone, are :

Messrs. Abernathy, Ashley, Bethea, Bradford, Felder, Gunn, Hatcher, Hobdy, Jenkins, Jones of Fayette, Nelson, Patton, Webb, Wilson of Pickens, of the Senate ; House—Messrs. Acree, Alford, Barry, Beavers, Beck, Bishop, Browder, Camp, Cochran, Cunningham, Curry, Dawson, Echols, Garleck, Goode, Jackson, Jay, Jones, King, Kirkland, Little, Lockett, Lynch, Menasco, McBride, McClanahan, McConnell, McMullen, Milligan, Moragne, Moorner, Nabors, Peddy, Pennington, Portis, Powell, Pynes, Remson, Smith of Lauderdale, Smith of Randolph, Taylor of Chambers, Taylor of Coosa, Towles, Ward of Dale, Williams, Wright and Wood—61.

Those who voted for Mr. Brickell, are :

Messrs. President, Acklin, Bacon, Baker, Cocke, Jemison, Jones of Franklin, Kimball, Lamar, Malone, Prince, Taylor, Wilson of Jackson, of the Senate ; House—Messrs. Speaker, Bernhard, Belser, Bradley, Brown of Marion, Brown of Tus-

kaloosa, Burgess, Byrne, Carpenter, Chapman, Clanton of Montgomery, Clanton of Sumter, Crawford, Critcher, Davis, Ellis of Blount, Ellis of Benton, Fowler, Galloway, Gilmore, Grubbs, Haden, Hancock, Hobbs, Langdon, Larkins, Maples, Miree, Nicholson, Odem, Owens, Pryor, Reid, Rhodes, Rice, Sanford, Sheffield, Smith of Franklin, Smith of Mobile, Staton, Sykes, Taylor of Mobile, Thornton, Thorn, Ward of Cherokee and Winston—59.

Mr. Howard voted for Mr. Lesseesne.

Mr. Stone having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the Supreme Court for the term prescribed by law.

The Senate returned to its chamber.

Mr. Jemison presented the account of Ormond and Nicholson, which was referred to the committee on the Judiciary.

Mr. Jemison introduced a bill to allow Solicitors to practice in the Supreme Court, &c., which was read the first and second times and referred to the committee on the Judiciary.

Mr. Patton introduced a bill to regulate and define the duty and liability of Railroad Companies in this State; and,

A bill to regulate the taxes on Railroads in this State, which were severally read the first and second times and referred to the committee on Internal Improvements.

Mr. Baker introduced a bill in relation to emigration contracts.

Mr. Bacon introduced a bill to compensate Judges of the Circuit Court and Chancellors in certain cases.

Mr. H. C. Jones introduced a bill for the protection of mechanics.

Mr. Gunn introduced a bill to alter and amend section 2424 of the Code.

Mr. Webb introduced a bill to regulate the practice in the Circuit Court of Butler county, which were severally read the first and second times and referred to the committee on the Judiciary.

Mr. Prince, from the Select committee, to whom was referred a bill to amend certain acts therein named, reported the same and recommended its passage.

The bill was read the third time and passed.

Mr. H. C. Jones introduced a bill to repeal section 110 of the Code, and other laws in reference to duelling oaths, which was read the first time and ordered to a second reading.

Mr. Hobdy introduced a bill to amend section 939 of the

Code of Alabama, which was read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning 10 o'clock.

JANUARY 18, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Bishop Cobbs.

Mr. Kimball reported as correctly enrolled :

An act to amend the charter of the Mississippi, Gainesville and Tuskaloosa Railroad Company ;

Mr. E. P. Jones presented a memorial from A. Davis, which was referred to the committee on Banks and Banking.

Mr. Acklin presented the petition of Robert L. Philips, and sundry other citizens of Madison county, which was referred to the committee on the Judiciary.

Mr. Abernathy presented the petition of John Wheeler and other citizens, of Cherokee and Benton counties, which was referred to a committee composed of the delegation from the counties of Cherokee and Benton.

The Senate resumed the consideration of the bill for the protection of male minors, the question pending on concurring in the report of the committee.

Mr. Gunn moved to lay the report of the committee on the table.

Lost.

The report of the committee was concurred in.

Mr. Jenkins, from the committee on Roads, Bridges and Ferries, reported favorably on the bill to authorize Charles Dear, to erect a gate across a road therein named.

The bill was read a third time and passed.

Mr. Acklin, from the committee on the Judiciary, reported unfavorably on the bill to amend section 3047 of the Code, so far relates to the county of Pickens.

The report and bill were laid on the table.

Mr. Acklin reported unfavorably on the bill to authorize Justices' of the Peace to have certain attachments executed.

The report was concurred in.

Mr. Felder reported favorably on the bill to allow executors and administrators discretionary power in certain cases.

The bill was ordered to a third reading.

Mr. Gunn, from the committee on the Judiciary, to whom was referred a bill to provide for the burial expenses in the counties of Henry and Dale, reported a substitute, which was adopted.

The bill was read the third time and passed.

Mr. Patton, from the committee on Education, reported a substitute for the bill to incorporate the LaGrange College at Florence.

The substitute was adopted, and the bill was read the third time and passed.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed bills entitled :

An act for the relief of Wm. Norton ;

An act to change the time of holding the Chancery Court in Wilcox county ;

An act to amend the statute of limitation in this State ;

An act to incorporate the Fulton Academy in Dallas county ;

To incorporate the village of Perryville, and for other purposes ;

An act authorizing the Commissioners' Court of the county of DeKalb, to reconvey land in a certain case :

To prevent the burning of forests worked for turpentine ;

An act to amend the criminal law ;

An act to define the duties of the Clerk of the City Court of Mobile ;

An act to regulate the number of Grand Juries in the county of Marion ;

An act to repeal in part and to amend an act therein named ;

An act to change the time of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair ;

An act to incorporate the LaGrange and Oxford Railroad Company ;

An act to fix the boundary lines between the counties of Cherokee and Benton ;

An act to prevent the failure of a Chancery Court in consequence of the Chancellor not attending on the first or second days ;

An act to incorporate the Commerce Street Hotel Company of Montgomery ; also,

Joint resolutions upon the present condition of public affairs.

The House has also passed a Senate bill to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy.

Mr. H. C. Jones introduced a bill to authorize the Superin-

tendent of Public Schools, to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in the county of Franklin, which was read the first, second and third times and passed.

The Senate took up the bill to aid the Alabama Medical College, it being a special order, and was postponed until to-morrow at 10 o'clock, and made the special order for that hour.

The Senate proceeded to reconsider the bill to make a loan to the Memphis and Charleston Railroad Company, said bill having been vetoed by the Governor.

Mr. Gunn moved to postpone the further consideration of the bill until Monday next, at 3 o'clock.

Lost.

Yeas 14 ; nays 15.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Felder, Gay, Gunn, Hobdy, Jenkins, Jones of Fayette, Kimball, Searcy, Taylor and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Cocke, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince and Webb.

The Senate postponed the further consideration of the bill and took up a message from the House, informing the Senate of the passage of a bill by the House, to incorporate the Southern University, at Greensboro, in Greene county, and for other purposes.

The bill mentioned in the message was read first, second and third times forthwith and passed.

Message from the Governor by Mr. Catlin.

Mr. President :

His Excellency, the Governor, has approved of bills which originated in the Senate of the following titles :

An act to fix the pay of the Judge of Probate and Sheriff of Fayette county ;

An act for the relief of David B. Driskill and others, of Benton county ;

An act to regulate Sheriffs' and Coroners' sales in the county Shelby.

Mr. Kimball reported as correctly enrolled :

An act to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy.

The Senate adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Message from the Governor by Mr. Catlin.

Mr. President :

The Governor has approved a bill which originated in the Senate of the following title :

An act making an appropriation to pay Edmund Reeves, Jailor of Jackson county, for victualling a prisoner in the Jail of said county.

The bill to make a loan to the Memphis and Charleston Railroad Company, was taken up, which was vetoed by the Governor.

Mr. Brindley moved to postpone the further consideration of the veto until to-morrow half past 10 o'clock, A. M., in order to take up the bill to provide for the registration and burning of the bills of the State Bank and Branches.

Lost.

Ordered that leave of absence be granted the Secretary of the Senate for one day ; also,

To the Senator from Dallas.

The Senate then adjourned until to-morrow morning, 10 o'clock, A. M.

JANUARY 19, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Message from the House by Mr. Chapman.

Mr. President :

The House has passed bills originating in the Senate entitled as follows :

An act to incorporate the Winchester and Alabama Railroad Company ;

An act to incorporate the Huntsville Mining and Manufacturing Company ;

An act to incorporate the Florence Wesleyan University ;

An act to authorize the Secretary of State to subscribe for ninety-eight copies of the new Map of Alabama about to be published by D. H. Cram ;

An act for the relief of Spencer Moore and Monemia Kinsey ;

An act to authorize the Probate Court of Madison county, to take jurisdiction of the estate of James F. Nimmo, deceased.

The House has originated and passed bills of the following titles :

An act to enable Silas Morpew, of Walker county, to erect a dam therein named ;

An act to amend an act to repeal in part the patrol law in the counties of Marshall, Cherokee, DeKalb and others ;

An act to incorporate the Alabama Copper Mining Company ;

An act for the relief of William T. DeWitt, of Barbour county ;

An act to incorporate the Wetumpka Wharf Company ;

An act to incorporate the East Alabama Male College at Auburn, Macon county ;

An act to authorize the administrator of the estate of R. A. M. Powell, deceased, of the county of Fayette, to sell the real estate on a longer time than one year ,

An act to establish a Board of Physicians in the town of Newton, Dale county ;

An act to authorize the dismissal of suits in Chancery in vacation ;

An act to repeal certain acts regulating Justices' Courts in the county of Randolph ;

An act to repeal section 778 of the Code ;

An act to authorize the appointing of receivers in Chancery in vacation.

The House has also concurred in the amendments of the Senate to the House bill incorporating the Gainesville Insurance Company.

The Senate resumed the consideration of the bill to make a loan to the Memphis and Charleston Railroad Company, said bill having been vetoed by the Governor.

The Senate passed the bill notwithstanding the Executive veto.

Yeas 17, nays 13.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cock, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince, Webb and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Felder, Gay, Gunn Hobdy, E. P. Jones, Jenkins, Kimball, Searcy, Taylor and Wilson of Pickens.

Ordered that the bill be sent forthwith to the House of Representatives.

Mr. H. C. Jones reported, as correctly enrolled :

An act to incorporate the Southern University, at Greensborough, in the county of Greene, and for other purposes.

And the Senate adjourned until Monday morning, 10 o'clock.

JANUARY 21, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. Cocke offered the following resolution :

Resolved, That the Senate will not act upon any bills that may come from the House of Representatives after this day, until the House take up and act upon the message from the Senate.

On motion of Mr. Cocke, the resolution was laid on the table.

Mr. Bethea presented a petition from sundry citizens of Mobile county, in regard to the sale of spiriuous liquors, within two miles of Dog River Factory, which was referred to the committee on the Judiciary.

Mr. Prince moved to reconsider the vote concurring in the report of the Judiciary committee, on the right to authorize Justices of the Peace to have certain attachments executed.

Mr. Prince moved to amend as follows :

“Provided, the amount shall not exceed the amount of the Constable's bond.”

Which was adopted.

Mr. E. P. Jones moved to re-commit the bill, which was lost, and the bill ordered to a third reading.

The Senate proceeded to reconsider the bill to make a loan to the Alabama and Tennessee Rivers Railroad Company, said bill having been vetoed by the Governor.

The bill passed notwithstanding the Executive veto.

Yeas 17 ; nays 11.

Those who voted in the affirmative are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince, Webb and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Powell, Searcy, Taylor and B. F. Wilson.

Mr. H. C. Jones reported, as correctly enrolled :

An act to authorize the Secretary of State to subscribe for ninety-eight copies of the new Map of Alabama, about to be published by D. H. Cram.

An act to authorize the Probate Court of Madison county, to take jurisdiction of the estate of James F. Nimmo, deceased.

Mr. Patton, from the committee on Inland Navigation and Internal Improvement, reported favorably on the bill to regulate and define the duties and liabilities of Railroad Companies in this State.

The bill was ordered to a third reading.

Mr. Patton reported favorably on the bill to incorporate the Alabama Slate Roofing Company, and the bill was ordered to a third reading.

Mr. Patton reported favorably on the bill to incorporate the Shelby Coal Company, with an amendment. which was adopted, and the bill ordered to a third reading.

Mr. Patton reported unfavorably on the bill to make a loan to the Mobile and Girard Railroad, and the Eufaula Branch of the Girard and Mobile Railroad Company.

The report and bill were laid on the table.

Mr. Patton, from the same committee, to whom was referred the bill to regulate the taxes on Railroads in this State, reported, that as said bill contemplated raising revenue it should have originated in the House of Representatives.

The report was concurred in, and Mr. Patton was permitted to withdraw the bill.

Mr. Patton reported unfavorably on the bill to incorporate the Tallapoosa and Talladega Mining Insurance and Trust Company.

The report and bill were laid on the table.

Mr Patton reported unfavorably on the petition of the citizens of the town of Huntsville, in regard to a lottery office.

The report was concurred in.

Mr. Patton reported unfavorably on the bill to aid in deepening and removing obstructions in the Mobile Bay and the Mobile and Alabama rivers.

The report was concurred in.

Mr. Jemison, from the committee on Internal Navigation and Internal Improvement, to whom was referred the bill providing for a loan to the Mississippi, Tuskaloosa and Gainsville Railroad Company, reported a substitute, which was adopted, and the bill made the special order for to-morrow, at 11 o'clock, A. M.

Mr. President (Mr. Powell in the chair) insroduced a bill to incorporate the Cedar Bluff Transportation Company, which was read the first and second times and referred to the committee on Internal Improvement.

Mr. H. C. Jones reported, as correctly enrolled :

An act to cause the County Treasurer and County Surveyor of Franklin county, to be elected by the people;

An act for the relief of Wm. C. Thomas, of Marshall county;

An act for the printing and distributing to report of the State Geologist;

Mr. Kimball reported, as correctly enrolled:

An act to incorporate the Alabama and Winchester Railroad Company;

An act to incorporate the Huntsville Mining and Manufacturing Company.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 22, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Mr. Lamar presented a statement of a bill of costs from the Clerk of the Circuit Court of Marshall county, which was referred to the committee on Accounts.

Mr. Malone, from the committee on the Judiciary, reported the bill amendatory of an act to amend the act incorporating the town of Athens, reported a substitute, and recommended its passage.

The substitute was adopted, and the bill was read the third time and passed.

Mr. Bethea, from the committee on the Judiciary, to whom was referred the bill to compensate Judges of the Circuit Court and Chancellors, in certain cases, reported the same back and recommended its passage.

Mr. Baker moved to strike out section three of the bill, which was adopted.

Mr. Cocke moved to strike out "eight," before dollars, and insert "five."

Carried.

The Senate refused to order the bill to a third reading.

Yeas 5; nays 19.

Those who voted in the affirmative, are:

Messrs. Acklin, Baker, Bradford, Gunn and Taylor.

Those who voted in the negative, are:

Messrs. President, Abernathy, Ashley, Bacon, Brindley, Cocke, Gay, Hewlett, Hobdy, Jemison, E. P. Jones, Lamar, Malone, Nelson, Patton, Searcy, Webb, Thomas Wilson and B. F. Wilson.

Mr. Bethea, from the committee on the Judiciary, reported the bill in relation to emigration contracts, with an amendment, and recommended its passage.

Mr. Jemison moved to lay the bill on the table, which was lost. Yeas 8 ; nays 19.

Those who voted in the affirmative, are :

Messrs. President, Bethea, Jemison, E. P. Jones, Nelson, Patton, Taylor and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Ashley, Bacon, Baker, Bradford, Brindley, Cocke, Felder, Gay; Gunn, Hewlett, Hobdy, H. C. Jones, Lamar, Malone, Searcy, Webb and B. F. Wilson.

Mr. Felder moved to amend as follows :

By striking out after " Kansas," and inserting the following :

" And makes with any of such emigrants a contract for the purpose of emigration, any money, or provides them any money, clothing, food, or any thing necessary for emigrating, and if, after receiving such money, clothing, food, or necessary articles for such emigration, and afterwards shall wilfully violate such contract, such emigrant shall be deemed to have received such money or other thing of value under false pretences, and shall be subject to all the pains and penalties now in force against receiving money under false pretences.

Mr. Patton moved to lay the bill and amendment on the table.

A division of the question being called, it was first taken on laying the amendment on the table. Carried.

The question recurred on laying the bill on the table, and carried.

Yeas 15 ; nays 13.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Bethea, Bradford, Brindley, Gay, Gunn, Jemison, E. P. Jones, Malone, Nelson, Patton, Powell, Taylor and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Bacon, Baker, Cocke, Felder, Hewlett, H. C. Jones, Kimball, Lamar, Searcy, Webb and B. F. Wilson.

Message from the House by Mr. Chapman :

Mr. President :

The House of Representatives has originated and passed bills of the following titles :

An act to authorize the process of garnishment in certain cases;

An act to enlarge the jurisdiction of Probate Courts in the settlement of the estates of deceased persons;

An act to remove the administration of R. S. Scott, from the county of Autauga to the county of Montgomery.

The House has passed a bill from the Senate, to prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama.

The House has concurred in the amendments made by the Senate to the House bills entitled :

An act for the relief of certain persons therein named ;

An act to incorporate the Gainsville Insurance Company ;

An act to change section 985 of the Code ;

An act for the relief of Elisha J. Greer, of Tallapoosa county ;

An act to regulate the summoning of Jurors in the counties of DeKalb and Covington ;

An act to authorize the completion of the final records of the Circuit Court of Madison county ;

An act to change the law in relation to County Surveyors and Coroners in the county of Dale.

The House has also reconsidered and passed over the Executive veto, Senate bills entitled :

An act to make a loan to the Alabama and Tennessee Rivers Railroad Company ;

An act to make a loan to the Memphis and Charleston Railroad Company.

Mr. Kimball reported as correctly enrolled :

An act to incorporate the Gainsville Insurance Company.

The bill to loan a certain sum of money to the Mississippi, Gainsville and Tuskaloosa Railroad Company, was made the special order for to-morrow, 11 o'clock.

Message from the Governor, informing the Senate that the Governor had approved—

An act to authorize the Secretary of State to subscribe for 98 copies of the new Map of Alabama, about to be published by D. H. Cram ;

An act to authorize the Probate Court of Madison county to take jurisdiction of the estate of James F. Nimmo, deceased ;

An act to amend the charter of the Mississippi, Gainsville and Tuskaloosa Railroad Company.

Mr. Kimball reported as correctly enrolled :

An act to prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama.

On motion of Mr. Gunn,

The bill to incorporate the Tallapoosa and Talladega Mining Insurance and Trust Company, was taken from the table, and re-committed to the committee on Internal Improvement.

Mr. Acklin reported the account of Ormond & Nicolson, and re-commended its reference to the committee on Accounts.

Ordered that the account be so referred.

Mr. Acklin reported unfavorably on the bill to repeal the practice in the Circuit Court of Butler county.

The report was concurred in.

Mr. Acklin reported unfavorably on the bill to allow Solicitors to practice in the Supreme Court.

The report was concurred in.

Mr. Patton reported favorably on the bill to incorporate the Cedar Bluff Transportation Company.

The bill was read the third time and passed.

Mr. Thomas Wilson, from the committee on Accounts, reported the bill for the benefit of certain persons therein named, which was adopted and the bill laid on the table.

Mr. Acklin, from the committee on the Judiciary, reported unfavorably on the bill to amend section 3130 of the Code.

Mr. Acklin also reported unfavorably on the bill to amend section 2424 of the Code. The report was concurred in.

Mr. Bethea, from the committee on Finance, reported a substitute for the bill relating to the government and revenue of Mobile county.

The substitute was adopted and the bill ordered to a third reading.

Mr. Jemison, from the Select Joint committee, to whom was referred the report of John Whiting, Commissioner and Trustee, to settle the affairs of the State Bank and Branches, and to provide for the payment of the public debt, made the following

R E P O R T :

The Joint committee, to whom was referred the report of John Whiting, "Commissioner and Trustee, to settle the affairs of the State Bank and Branches, and to provide for the payment of the public debt," have had the same under consideration, and instructed me to report:

That to have convenient access to the books, papers, accounts, reports and vouchers, relating to business confided to the Commissioner, the committee held their meetings at the Branch of the Bank of the State, in this city.

They first examined the cash account of the Commissioner, from the time he entered on the duties of his office, to the 1st November, 1855, which account shows all receipts and disbursements during that period. They find correctly stated the balance received from his predecessor, F. S. Lyon, which as shown by report to last General Assembly, was

\$55,868 40

From 1st November, 1853 to 1st November, 1855, his receipts from all sources, as shown and explained in his account, has been

\$867,550 38

Making altogether,

\$923,418 78

The expenditures in payment of interest, redemption of State Bonds and otherwise, as shown in the account, is

\$751,735 38

Leaving an unexpended balance on 1st November, 1855, in his hands of

\$171,683 40

Each item of this account was carefully examined and each was verified by a proper and satisfactory voucher. The same well devised system of checks and balances in the receipts and disbursements of the Commissioner and his Assistants, adopted by his predecessor, has been kept up and observed by the present Commissioner.

Your committee next examined the account of collections from the several Banks, and find the same properly verified

They next proceeded to examine the circulation account. In this account, they find a clerical error of forty dollars, which being corrected, will increase the circulation outstanding by that amount; there is also in the report as printed, a similar typographical error of one hundred dollars.

Your committee then examined the account of bonds redeemed and outstanding. Upon counting those on hand, they were found to correspond in description and amount with the statement in the report.

The annexed tabular statements, show at one view the amount of bonds yet unredeemed, as well as those that have been heretofore redeemed. They will also show the annual of interest to be provided for and where the same is payable, also the amount of reduction in our bond debt, from 1st November, 1853, to 1st November, 1855.

From the tabular statements, it will be seen

the outstanding bonds 1st November, 1853,	
was	\$4,484,666 67
Redeemed since,	252,777 77

Which leaves outstanding on 1st November,	
1855,	\$4,231,888 90

To offset this sum in part, the State holds in	
Virginia and North Carolina 6 per cent.	
Stocks,	800,000 00

Leaving of Foreign debt yet to be provided for,	\$3,431,888 90
-------------------------------------------------	----------------

Though the amount of this debt redeemed within the term of the last two years has been small, compared with the amounts redeemed in some of the previous terms, yet it will be seen the amount retired exceeds that of the two years immediately preceeding by \$239,777 77. There falls due absolutely, (without the right to extend,) on the first day of January, 1858, \$584,888 90 of sterling bonds. To place beyond contingencies the prompt payment of those bonds, your committee recommend that the Virginia and North Carolina Stocks, now in the hands of the Commissioner, be pledged and set apart for this specific purpose.

In relation to the disposition of the Stock held by the State in the Bank of Mobile, the committee have heretofore made a special report, that the terms of sale to the Bank of Mobile had not been literally complied with, but that there had been a compliance in substance and in good faith without any manner of prejudice to the State. Said report was accompanied with a bill in conformity thereto and the same has become a law.

Your committee concur in the suggestions of the Commissioner to remove and consolidate the business of the Branch Banks at Decatur and Huntsville, and place the same under the control and management of the Assistant Commissioner of the Branch Bank, in this city. Also in the policy of retaining and continuing the Assistant Commissioners at the State Bank and the Branch Banks here and in Mobile, and to abolish the office of Commissioner and Trustee.

The annexed tabular statements on that subject, shows that of the class of debts denominated "bad," "doubtful" and "unknown," and which is regarded by the Assistant Commissioners as almost worthless, there is yet due to the Banks \$6,653,910 72. Of this very large sum the State cannot calculate to realize any considerable amount, and whatever is secured, will require extraordinary vigilance and exertion. To

stimulate and command which, your committee recommend an enlarged discretion in the commissions allowed in the collection of such debts.

The Commissioner reports, that for the safety of the State, as well as himself, he thought prudent to employ a Clerk "to keep an account of his transactions connected with the receipts and disbursements of money." This authority was given to his predecessor and \$1500 00 allowed therefor. Whether the omission of such authority was accidental or designed your committee are of opinion that the reasons for continuing such Clerkship justified the responsibility assumed in so doing, and they recommend the salary of \$500 00, allowed to the Clerk so employed, be paid by the State.

The committee find in the hands of the Commissioner a number of blank impressions of the notes of the Branch Bank at Montgomery, which they recommend shall be destroyed. They also recommend that all uncanceled bonds of the State redeemed and in his hands be registered and cancelled.

On the retirement of the Commissioner and Trustee from his long connection with the State Bank and Branches in the various relations of Cashier, Assistant Commissioner and Commissioner-in-Chief, your committee deem it but an act of sheer justice that they bear testimony to the fidelity and ability with which he has discharged his duty in all matters referred to them, or which has come under their notice.

To carry out the various recommendations contained in this report, your committee instruct me to report the accompanying bill and recommend its passage.

Your committee subjoin sundry tabular statements, (each of which explains itself,) showing, in a condensed form, the reduction that has been made in our bond debt and its present condition, as well as the present condition of the State Bank and Branches.

R. JEMISON, Jr.,
Chairman on the part of the Senate.

J. L. M. CURRY,
Chairman of House Committee.

Bonds Outstanding 1st April, 1847.

Rates interest.	Amount of Bonds.	An'al interest.	When due.	Where payable
6 per cent.	\$ 100,000 00	\$ 6,000 00	1850	N. York.
5 per cent.	300,000 00	15,000 00	1852	N. York.
5 per cent.	3,500,000 00	175,000 00	1863	N. York.
5 per cent.	459,000 00	22,950 00	1865	N. York.
5 per cent.	382,000 00	19,100 00	1866	N. York.
5 per cent.	500,000 00	25,000 00	1865	N. Orleans
5 per cent.	500,000 00	25,000 00	1866	N. Orleans.
6 per cent.	1,013,000 00	60,780 00	1850	London.
5 per cent.	1,043,555 55	52,177 77	1858	London.
5 per cent.	1,435,000 00	71,750 00	1866	London.
	<hr/> \$9,232,555 55	<hr/> \$472,757 77		

Bonds Outstanding 1st November, 1853.

Rates interest.	Amount of Bonds.	An'al interest.	When due.	Where payable
6 per cent.	\$ 100,000 00	\$ 6,000 00	1870	N. York.
5 per cent.	2,091,000 00	104,550 00	1863	N. York.
5 per cent.	55,000 00	2,750 00	1865	N. York.
5 per cent.	190,000 00	9,500 00	1872	N. York.
6 per cent.	729,000 00	43,740 00	1870	London.
5 per cent.	594,666 67	29,733 33	1858	London.
5 per cent.	725,000 00	36,250 00	1866	London.
	<hr/> \$4,484,666 67	<hr/> \$232,523 33		

Bonds Outstanding 1st November, 1855.

Rates interest.	Amount of Bonds.	An'al interest.	When due	Where payable
5 per cent.	\$2,048,000 00	\$102,400 00	1863	N. York.
5 per cent.	52,000 00	2,600 00	1865	N. York.
5 per cent.	190,000 00	9,500 00	1872	N. York.
6 per cent.	688,000 00	41,280 00	1870	London.
5 per cent.	669,000 00	33,450 00	1866	London.
5 per cent.	584,888 90	29,244 44	1858	London.
	<hr/> \$4,231,888 90	<hr/> \$218,474 44		
Less in't on	800,000 00			
N. Carolina & Virginia 6's		48,000 00		
		<hr/> \$170,474 44		

Statement of the amount of indebtedness to State Bank and Branches on 1st November, 1855, as shown by the reports submitted to the Legislature, from the several Banks, as follows:

At Bank State of Alabama,	\$1,284,273 58
At Branch Bank Mobile,	3,219,007 66
At " " Montgomery,	821,404 85
At " " Decatur,	1,375,340 53
At " " Huntsville,	240,536 80
	<hr/>
	\$6,940,563 42

From which deduct am'ts classed good, as shown by same report, and included in the above:

At Bank State of Alabama,	\$75,000 00
Branch Bank Mobile,	115,000 00
" " Montgomery,	75,000 00
" " Decatur,	7,760 28
" " Huntsville,	13,829 42
	<hr/>
	\$286,652 70—\$6,653,910 72

Outstanding circulation 1st November, 1855.

Bank State of Alabama,	\$867,809 00
Branch Bank Mobile,	224,384 00
" " Montgomery,	101,242 00
" " Decatur,	88,226 00
" " Huntsville,	10,110 00
	<hr/>
	\$1,291,771 00
Less this amount in State Treasury,	841,619 00
	<hr/>
	\$450,152 00

Statement of Collections at State Bank and Branches.

At State Bank on debt classed good,	\$25,886 78
" " doubtful,	1,864 70
" " bad,	5,729 24
" " not classed,	8,102 00
" " real estate,	7,597 85
	<hr/>
	\$49,180 57

At Branch Bank Mobile on debt	
classified good,	\$46,221 32
At Branch Bank Mobile—doubtful,	
“ “ “ bad,	
“ “ “ not classed,	81,317 13-127,538 46
At Branch Bank Montgomery on debt	
classified good,	\$18,376 85
At Branch Bank Montg'y—doubtful,	4,233 40
“ “ “ bad,	3,077 32
“ “ “ not classed,	8,686 60-\$34,374 17
At Branch Bank Decatur on debt	
classified good,	\$3,159 58
At Branch Bank Decatur—doubtful,	5,792 34
“ “ “ bad,	2,904 55
“ “ “ real estate,	794 10-\$12,650 57
At Branch Bank Huntsville on debt	
classified good,	\$11,571 52
At Branch Bank Huntsville—doubtful,	3,870 88
“ “ “ bad,	3,166 88-\$18,609 28

Total collections from 1st November,
1853, to 1st November, 1855, \$242,353 04
Ordered that the report be referred to the same committee
with instructions to print one thousand copies.
And the Senate adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate proceeded to the consideration of the bill for closing the remaining business of the State Bank and Branches, and for other purposes, said bill having been reported by Mr. Jemison from the Joint Select committee.

The bill was laid on the table.

Mr. Patton, from the committee on Education, reported a substitute for the bill to invest the Sixteenth Section fund belonging to township 3, range 7, 11 and 12, in Lauderdale county.

The substitute was adopted, and the bill read third time forthwith and passed.

Mr. Thomas Wilson introduced a bill to grant the right of way to the Memphis and Charleston Railroad, to extend their road from Stephenson, in Jackson county to the Tennessee line, which was read three times forthwith and passed.

Mr. Cocke introduced a bill together with a petition from

five hundred citizens of Bibb county, to make permanent the court house in said county.

The bill was read three times forthwith and passed.

Mr. Jemison introduced a bill to incorporate the Southern Female College, which was read three times forthwith and passed.

Mr. Jemison introduced a bill for the further security and protection of the State in Railroad loans.

Mr. Felder introduced a bill to allow the Probate Judge of Montgomery county, to take jurisdiction of the estate of Warner Macon, deceased, of Macon county, which were severally read the first and second times and referred to the committee on the Judiciary.

Mr. Bacon introduced a bill to incorporate the Asbury Female Institute, at LaFayette, in the county of Chambers.

Mr. Lamar introduced a bill to amend an act to incorporate the town of Guntersville, in the county of Marshall, approved 3d February, 1848, which were severally read the first, second and third times and passed.

Mr. Jemison introduced a bill to repeal in part section 397 of the Code, in relation to licensing auctioneers, so far as the same applies to Tuskaloosa county, which was read first and second times and referred to the committee on Finance.

Mr. B. F. Wilson introduced a bill preventing more effectually the sale of spirituous or vinious liquors, which was read first and second times and referred to the committee on Propositions and Grievances.

Mr. Webb introduced a bill to authorize C. W. Cottingham, of Lowndes county, to make a new docket.

Mr. Bethea introduced a bill to amend an act, approved the 17th of February, 1854, to provide for the investment and safe keeping of estates and money in certain cases therein named, which was severally read the first and second times and referred to the Judiciary committee.

On motion of Mr. H. C. Jones,

Resolved, That the President of the Senate add five additional Senators to the committee on Enrolled Bills, whereupon Messrs. Ashley, B. F. Wilson, Peterson, Webb and E. P. Jones, were added to said committee.

Mr. B. F. Wilson introduced a bill to reduce the fees of Probate Judges in certain cases, which was read first and second times and referred to the Judiciary committee.

Mr. Bethea introduced a bill giving livery stable keepers a lien on horses, mules, wagons, carriages, drays and other ve-

hicles left with them on livery, in Mobile county, which was read first and second times.

Mr. Gunn moved to amend as follows :

“ Provided, That the lien herein contemplated shall not overside any lien legal or equitable, which has been previously acquired upon such property, nor defeat a bona fide purchaser of such property.”

Adopted.

The bill was read a third time forthwith and passed.

Mr. President (Mr. Acklin in the chair) moved to take from the table, the bill to amend sections 174, 175, 177, 178, 179 and 181 of the Code, as to the time of elections.

Mr. President moved to amend by striking out “ Wednesday,” and inserting “ Tuesday.”

Adopted.

The Senate refused to order the bill to a third reading.

Yeas 9 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Baker, Bethea, Brindley, Gunn, Malone, Nelson and Patton.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Bradford, Cocke, Felder, Gay, Hewlett, Hobdy, Jemison, E. P. Jones, Kimball, Lamar, Taylor, Webb, Wilson of Jackson and Wilson of Pickens.

The bill to incorporate the Middle Alabama Railroad Company, was read a third time and passed.

The House bill to incorporate the LaGrange and Oxford Railroad Company ; and,

The House bill to incorporate the Elba Insurance Company, in Coffee county, Alabama, were severally read the first and second times and referred to the committee on Internal Improvements.

Mr. Malone offered the following resolution :

Resolved, That when the Senate adjourn after its morning Sessions, it will adjourn to meet at 3 o'clock, P. M., from day to day to that hour for the purpose of disposing of the various special orders now pending before the Senate.

The bill for the relief of Obediah Milner, of Tallapoosa county ; and,

The House bill to incorporate the East Alabama Male College, at Auburn, Macon county, were severally read three times forthwith and passed.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 23, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Mr. H. C. Jones, from the committee on Divorce and Alimony, reported favorably on the following bills :

To divorce Daniel Cannon from his wife, Jane Cannon ;

To divorce Hulda Johnson from her husband, Spencer Johnson, and other persons therein named ;

To divorce Susannah Caple from her husband, Samuel Caple, and other persons therein named ;

To divorce Wm. B. Wilson from his wife, Sarah J. Wilson, and other persons therein named ;

To divorce Thomas D. Broadway from his wife, R. Minty Broadway ;

The bills were severally ordered to a third reading.

Mr. Baker, from the Judiciary committee, to whom was referred the resolution instructing the committee to enquire into the expediency of amending section 3225 of the Code ; and, also, to enquire into the expediency of amending a number of other sections, reported a bill to amend section 3225 of the Code.

The bill was read first time and ordered to a second reading.

Mr. Bethea, from the committee on Finance, to whom was referred the bill for the relief of the Tax Assessor, Tax Collector and Judge of Probate, of Jefferson county, reported that it was inexpedient to pass the bill.

The report was concurred in.

Mr. Bethea reported favorably on the bill to consolidate the offices of Tax Collector and Tax Assessor, for the county of Hancock.

The bill was ordered to a third reading.

Mr. Bethea reported unfavorably on the bill to increase the salary of the Secretary of State.

The report was laid on the table.

Mr. Baker moved to strike out "1750," and insert "1500."

A division of the question being called for, it was first taken on striking out.

Carried.

The question then recurred on filling the blank with "1500."

Carried.

Yeas 20; nays 8.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Bacon, Baker, Bethea, Fel-

der, Gunn, Hewlett, Hobdy, Jemison, H. C. Jones, Kimball, Malone, Nelson, Patton, Powell, Taylor, Webb, Thos. Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Bradford, Brindley, Cocke, Gay, E. P. Jones and Lamar.

Mr. Baker moved to amend as follows :

“ Provided, That it shall be the duty of the Secretary of State, in addition to the duties now required of him by law, to take charge and care of the State Library.”

The amendment was adopted, and the bill ordered to a third reading.

The bill to provide for the closing of the remaining business of the State Bank and Branches and for other purposes, was taken from the table and made the special order for Monday next, 12 o'clock, M.

Mr. Taylor, from the committee on Education, to whom was referred sundry propositions and resolutions in relation to the Free School system of Alabama, reported :

A bill to render more effectually the system of Free Public Schools in Alabama.

The bill was read the first and second times and made the special order for to-morrow at half past 3 o'clock.

Mr. Felder, from the Select committee, composed of the Senators from Greene and Montgomery, reported favorably on the bill to allow the Probate Judge to take jurisdiction of the estate of Ann Elizabeth Witherspoon, deceased, of Greene county.

The bill was read three times and passed.

Mr. Bradford, from the committee on Finance, reported unfavorably on the bill to amend the law on the assesment of taxes on real estate.

The report was concurred in.

Mr. Abernathy, from the Select committee, to whom was referred the petition of Wheeler and others, of Benton and Cherokee counties, reported that said committee could not agree, and asked to be discharged.

Ordered that the committee be discharged.

Mr. Hobdy, from a Select committee, reported a bill fixing the time of holding the Circuit Courts of certain counties therein named.

The bill was read the third time and passed.

Mr. Bacon, from the committee on Finance, reported :

A bill to pay the account of Brittan & Blue.

The bill was read three times and passed.

Mr. Powell, from the committee on the Penitentiary, reported :

A bill to appropriate certain sums for the improvements in the Penitentiary, and other purposes.

The bill was read the first, second and third times and passed.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the petition of Robert S. Phips and sundry other citizens, of Madison county, asking the privilege of erecting a fish trap in Flint river, and reported a bill in accordance with the prayer of the petitioners.

The bill was read the second and third times and passed.

Mr. Cocke, from the committee on Finance, to whom was referred the petition of citizens of Tallapoosa county, reported a bill to amend an act therein named.

The bill was read three times forthwith and passed.

Mr. Bacon, from the committee on Finance, reported favorably on the bill to authorize the Governor to appoint a person to act as his Private Secretary, Police Officer for the State Capitol, State Librarian, and for other purposes.

Mr. Bradford moved to re-commit the bill, which was lost.

Mr. Ashley moved to postpone the bill and report indefinitely, which was carried.

Mr. Gunn introduced a bill to incorporate the Peoples' Insurance Company, which was read the first and second times and referred to the committee on Internal Improvement.

Mr. Kimball introduced joint resolutions of the General Assembly of the State of Alabama, which was read the first, second and third times and passed.

Mr. Brindly introduced a bill to repeal an act therein named, approved December 16, 1851, which was read the first and second times and referred to the committee on Propositions and Grievances.

On motion of Mr. H. C. Jones,

Resolved, 'That the Secretary of the Senate be, and he is hereby authorized to employ such additional assistance as he, from time to time, may need to carry on the business of the Senate.

Mr. Patton introduced a bill to amend an act to authorize and regulate the business of Banking, approved 12th February, 1850, which was read first, second and third times forthwith and passed.

Mr. Nelson introduced a bill to regulate the sale of spirituous liquors in precinct No. 5, in Shelby county, which was

read first and second times and referred to the committee on Propositions and Grievances.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled :

An act to authorize the administrator of Warner Herrin to remove the administration from the county of Russell to the county of Macon;

In relation to the Court of County Commissioners of Shelby county;

For the relief of certain persons therein named ;

To authorize the qualified voters of the county of Tuscaloosa, to elect the Treasurer of said county;

Joint resolutions to authorize the loan of muskets to the Rehobeth Male Academy ;

Joint resolutions in relation to the death of the Hon. H. W. Collier;

For the relief of John and Isaac Stowe, of Tallapoosa county ;

To amend the charter of the Opelika and Talladega Railroad Company ;

An act to incorporate the Newbern Male Academy, in Greene county ;

For the relief of the Executors of the last will and testament of James Blackman, deceased;

To incorporate the Alabama Manufacturing Company, at Selma ;

To revise an act therein named, and for other purposes ;

To divorce Jesse Kinsey from his wife, Monemia Kinsey, and other persons therein named ;

To exten the Fall term of the Chancery Court of Shelby county an additional week, and to postpone the commencement of the Fall term of the Chancery Court for Dallas, Perry and Greene counties.

Mr. Patton, from the committee on Internal Improvement, reported favorably on the bill to incorporate the Oxford and LaGrange Railroad Company, and the bill was read the third time and passed. Yeas 17 ; nays 12.

Those who voted in the affirmative, are :

Messrs. Acklin, Bethca, Baker, Brindley, Cocke, Felder, Gay, Gunn, Hewlett, Jemison, Jenkins, Lamar, Nelson, Patton, Powell, Searcy and Taylor.

Those who voted in the negative, are :

Messrs. President, Abernathy, Ashley, Baker, Bradford, Hobdy, E. P. Jones, H. C. Jones, Kimball, Malone, Thomas Wilson and B. F. Wilson.

The Senate adjourned until to-morrow morning at 10 o'clock.

JANUARY 24, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Shaver.

Mr. Taylor presented the petition of Wm. K. Paulding, which was referred to the committee on Banks and Banking.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to amend an act, approved February 14, 1854, to provide for the investment and safe keeping of estates and money, in certain cases therein named.

The bill was read the third time and passed.

Mr. Gunn, from the committee on the Judiciary, reported the bill to secure more effectually subordination among slaves, by requiring owners or overseers to reside with them, with amendments, which were adopted, except the amendment proposing to strike out "six" and insert "eight," which was rejected.

Mr. H. C. Jones moved to lay the bill on the table, which was lost.

Yeas 4 ; nays 24.

Those who voted in the affirmative, are :

Messrs. H. C. Jones, Kimball, Malone and Nelson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Bradford, Brindley, Cocke, Felder, Gay, Gunn, Hewlett, Hobdy, Jemison, Jenkins, E. P. Jones, Lamar, Patton, Prince, Searcy, Taylor, Webb, Thomas Wilson and B. F. Wilson.

The bill was read the third time and passed.

Yeas 21 ; nays 6.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Ashley, Bacon, Acklin, Bradford, Cocke, Gay, Hewlett, Hobdy, Jemison, E. P. Jones, Lamar, Malone, Patton, Prince, Searcy, Taylor, Webb, Thos. Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Brindley, Gunn, H. C. Jones, Kimball, Nelson and Powell.

Message from the House of Representatives by Mr. Chapman :

Mr. President :

The House has reconsidered and passed, by the constitu-

tional majority, notwithstanding the Executive veto, a bill to incorporate the Medical College of Mobile.

The House has originated and passed bills entitled as follows :

An act to incorporate the village of Hamburg, and for other purposes ;

An act to incorporate the Pickens and Noxube (Mississippi) Railroad Company ;

An act to ensure the proper payment of State witnesses in Chambers county ;

An act in relation to hunting wild hogs in Marengo county, and other counties therein named ;

An act to regulate the proceedings of the Board of County Commissioners in the county of Clarke ;

An act to regulate the collection of debts before Justices of the Peace for the county of Walker, and for other purposes.

The Senate proceeded to reconsider the bill to incorporate the Medical College at Mobile, said bill having been vetoed by the Governor.

The bill passed, notwithstanding the veto.

Yeas 27 ; nays 4.

Those who voted in the affirmative, are :

Messrs. President, Acklin, Ashley, Bacon, Bethea, Baker, Bradford, Cocke, Felder, Gunn, Hewlett, Jemison, Jenkins, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Brindley, Gay, Hobdy and Thomas Wilson.

The Senate proceeded to consider the bill to loan a certain sum of money to the Mississippi, Gainsville and Tuskaloosa Railroad Company.

Mr. Nelson moved to amend the bill. Carried.

The Senate refused to order the bill to a third reading.

Yeas 11 ; nays 15.

Those who voted in the affirmative, are :

Messrs. Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Prince.

Those who voted in the negative, are :

Messrs. President, Ashley, Bacon, Baker, Brindley, Felder, Gay, Gunn, Hobdy, Jenkins, E. P. Jones, Powell, Searcy, Taylor and Wilson of Jackson.

The House bill to incorporate the Male Academy and the Female Seminary, in the town of Somerville, in Morgan county ;

And the bill to incorporate the village of Hamburg ;

Were severally read the first, second and third times and passed.

Mr. Gunn introduced a bill to incorporate the Society Hill Male Academy, in Macon county, which was read first, second and third times and passed.

Mr. Nelson introduced a bill to incorporate the Alabama Coal Mining Company.

Mr. Cocke introduced a bill to regulate the sale of spirituous liquors in Harrrell's or Cross Road Beat, in Dallas county;

Which were severally read the first, second and third times and passed.

Message from the House, by Mr. Elmore, informing the Senate that the House had passed a bill to refund money to the True Blues.

Mr. H. C. Jones offered the following resolution :

Resolved, That after Monday, the 28th instant, no new business shall be offered for the consideration of the Senate, and all bills and resolutions proposing new matter for the consideration of the Senate, shall be laid on the table, to remain amongst the unfinished business of the session.

On motion of Mr. Gunn, the resolution was laid on the table.

Message from the Governor by Mr. Catlin :

Mr. President :

His Excellency, the Governor, returns to the Senate, where they originated, with his objections thereto, the bills entitled :

An act to incorporate the Huntsville Mining and Manufacturing Company ;

And an act for the relief of Spencer Moore and Monemia Kinsey.

The Senate adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment and proceeded to reconsider the bill to incorporate the Huntsville Mining and Manufacturing Company. and the following message from the Governor, vetoing said bill :

EXECUTIVE DEPARTMENT, }
January 24, 1856. }

To the Senate :

The purposes of "an act to incorporate the Huntsville Mining and Manufacturing Company," appears to me to be amply provided for in the Code of Alabama, page 308, chapter 3. Sections 1473, 1474 and 1475 of this chapter read as follows :

“ Where two or more persons are desirous of engaging in any manufacturing, mining or quarring business, and of becoming incorporated, such persons must make a declaration in writing, stating :

1. The name of the company, and the object for which it is formed.

2. The amount of Capital stock, and the number of shares into which the same is divided.

3. The names of the stockholders, and the number of shares held by each.

This declaration, signed by the stockholders, and acknowledged before any officer authorized to take the acknowledgment of deeds, must be recorded in the office of the Judge of Probate of the county or counties in which such business is to be carried on.

Upon the filing and recording of such declaration, the persons who have signed and acknowledged the same, and their successors, become a body corporate, by the name stated therein, and with the powers conferred on private corporations by this Code.”

The provisions of this title and chapter, seem to me to be full enough, if there be any use for a general law upon our statute books, to cover the case under consideration, and to have prevented any special enactment. It was supposed that the object of codifying the laws, as was done by the Code, was to simplify and generalize the laws, and at the same time make them so comprehensive as to prevent the necessity of so much special and personal legislation—legislation which has taken up the time of the Legislature heretofore to the great detriment of matters of general interest and importance. But if such were really the object, it would seem—from the great amount of special legislation at the present session—to have proved a failure ; and the hope of relief from the delay and expense of such acts as this, a mere delusion.

Not having been able to discover the defects of the general law on private corporations, I am unable to appreciate the necessity of the passage of this and like bills.

I, therefore, withhold my approval.

Respectfully,

JOHN A. WINSTON.

The Senate passed the bill notwithstanding the veto.

Yeas 24 ; nays 2.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Be-thea, Bradford, Cocke, Felder, Gunn, Hobdy, Jemison, E. P.

Jones, H. C. Jones, Kimball, Lamar, Malone, Nelson, Patton, Powell, Searcy, Taylor, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Krindley and Gay.

The Senate proceeded next to the consideration of the bill for the relief of Spencer Moore and Monemia Kinsey, together with the following veto message from the Governor :

EXECUTIVE DEPARTMENT, }
January 24, 1856. }

To the Senate :

The bill to be entitled an act for the relief of Spencer Moore and Monemia Kinsey, I return to the Senate without my approval.

The bill proposes to exercise the power of pardoning two persons assumed to be guilty of a violation of the penal laws of the State. The propriety of granting a dispensation for offences against public decency and good morals, may be well questioned at any time or under any circumstances, before the parties are legally convicted. But to grant indulgences to continue to act in violation of the general statutes of the State is the assumption and exercise of power found nowhere. Declining to discuss the policy of such relief as is contemplated in this bill, I would cite you to the constitution of the State, which expressly denies to the Legislative department of the government the power to grant such relief. Article 2, sections 1 and 2, read as follows :

"Sec. 1. The powers of the government of the State of Alabama shall be divided into three distinct departments : and each of them confided to a separate body of magistracy, to wit : Those which are legislative, to one ; those which are executive to another ; and those which are judicial, to another.

"Sec. 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted."

By reference to article 4, section 11, it will be seen that the pardoning power is conferred upon the Executive department, consequently denied to the legislative. That section reads as follows :

"Sec. 11. In all criminal and penal cases, except those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law," &c.

The question is clearly settled by the Courts of our own State. In the case of *Haley et al. vs. Clark*, in twenty-sixth Alabama, the Supreme Court says :

“The principal question is, whether this act is constitutional. By article 4, section 11, of the Constitution of Alabama, the power to remit fines and forfeitures is given to the Governor, and by the second article, the powers of the government are divided into three distinct departments—the legislative, executive and judicial—and no one of these departments, or person belonging thereto, can exercise any power properly belonging to either of the others, unless expressly directed or permitted by the Constitution. The power to pardon offences, except in cases of treason or impeachment, and to remit fines and forfeitures, being, as we have seen, confined by the fundamental law to the executive branch of the government alone. This power is virtually denied to any other department, and cannot, therefore, be exercised by the Legislature. The only question is, whether the act referred to is, directly, or indirectly, an attempt to remit a fine; for if it be so, the mode or manner in which it is to be done is entirely immaterial. It is the right which the constitution denies, without reference to the mode in which it may be exercised,” &c.

There may seem to arise hard cases under a proper law, but public morals and public decency require that the law should be respected. The parties intended to be pardoned by the Legislature, may be objects of pity or proper subjects for Executive clemency, but they can get no relief from the Legislature. The passage of this bill would be no protection to them, but a delusion, inducing them to trust to its protection when it would afford none. If the Solicitor and Circuit Court Judge do their duty, should the case come into Court, the parties could not be sustained in pleading this act in bar of an indictment, for the Supreme Court has pronounced such acts void.

JOHN A. WINSTON.

The bill passed the Senate notwithstanding the Executive veto.

Yeas 23 ; nays 3.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Brindley, Cocke, Felder, Gay, Gunn, Hobdy, Jemison, E. P. Jones, Kimball, Lamar, Nelson, Patton, Powell, Searcy, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. E. P. Jones, Taylor and Wilson of Jackson.

Mr. Cocks introduced a bill to incorporate the Shelby Coal Company, which was read the first and second times forthwith and referred to the committee on Internal Improvement.

The House bill to incorporate the Selma and Tuskaloosa Telegraph Company, was read the first, second and third times forthwith and passed.

On motion of Mr. Baker,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the attachment laws, as to make it a ground on which to issue attachments when the defendant is about to remove out of the county of his residence, or is actually removing out of the county of his residence.

Mr. Patton, from the committee on Internal Improvement, reported favorably on the bill to incorporate the Elba Insurance Company of Coffee county, with amendments, which were adopted, and the bill read the third time forthwith and passed.

Mr. Gunn, from the committee on Propositions and Grievances, reported a bill for the relief of James J. Sublett.

The bill was read the first, second and third times forthwith and passed.

Mr. President (Mr. H. C. Jones in the chair) introduced a bill to confer upon Courts of Chancery power to sell estates in common, in certain cases, for partition.

The bill was read the first and second times forthwith, and referred to the committee on the Judiciary.

Mr. Webb introduced a bill to incorporate Fort Deposit Academy, in the county of Lowndes, which was read the first, second and third times forthwith and passed.

The bill from the House, in relation to the government and of Mobile county, was read the third time and passed.

The bill, from the House, to incorporate the Commerce Street Hotel Company of Montgomery, was read the first, second and third times forthwith and passed.

The House bill to authorize James L. Murphy, of the county of Greene, to peddle books in this State without license, was read the first time, and the Senate refused to suspend the rule and give the bill a second reading forthwith.

It was ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 25, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Jenkins, from the committee on Roads, Bridges and Ferries, to whom was referred the bill to authorize Marshall B. Smith and Richard H. Brazier and their associates, to turn-pike a road therein named, reported said bill and recommended its passage.

The bill was ordered to a third reading.

Mr. Gunn, from the Judiciary committee, reported favorably on the bill making an appropriation to a certain claim against the State.

The bill was read three times forthwith and passed.

Mr. Brindley, from the committee on Propositions and Grievances, reported unfavorably on the bills :

In relation to fines and forfeitures imposed on road defaulters ;

To pay Jacob Lampley a certain sum of money ;

An account of Aaron Burleson against the State of Alabama.

The reports, bills and accounts were laid on the table.

Mr. Brindley, from same committee, reported unfavorably on the bill more effectually to prevent the sale of spirituous liquors to minors.

The report was concurred in.

Mr. Brindley, from same committee, reported unfavorably on the bill to modify and regulate the interest laws.

The report was concurred in.

Mr. Patton, from the committee on Internal Improvements, reported an amendment to the bill to incorporate the People's Insurance Company.

The amendment was adopted and the bill laid on the table.

Mr. Jenkins introduced a bill to authorize the Governor to issue a patent to certain persons therein named, which was read first and second times and referred to committee on Sixteenth Sections.

Mr. Ashley introduced a bill to provide for the better regulation of the times for the assessment and collection of taxes in this State, which was read the first and second times and referred to Finance committee.

The House bills—

To increase the pay of the County Court Commissioners' of the county of Franklin ;

To change the manner of appointing overseers of roads in Marion and Walker counties ;

To allow executors and administrators discretionary powers in certain cases ;

To repeal in part an act entitled an act to incorporate the Pickens DeKalb Minute Men ;

To lay off the county of Jefferson into four Commissioners' Districts ;

To prevent more effectually the commission of the offences of burglary and theft in this State ;

To authorize Justices of the Peace to have certain attachments executed ;

To divorce Daniel Cannon from his wife, Jane Cannon ;

To divorce Hulda Johnson from her husband, Spencer Johnson, and other persons therein named ;

To divorce John D. Broadway from his wife, R. Minty Broadway ;

To divorce Wm. B. Wilson from his wife, Sarah J. Wilson, and other persons therein named ;

To divorce Susannah Caple from her husband, Samuel Caple and other persons therein named ;

To consolidate the offices of Tax Collector and Tax Assessor for the county of Hancock ;

To authorize Thomas Thom and Sons, of Franklin county, to erect a certain dam therein named ;

For the relief of the purchasers and heirs of the estate of Arthur Fant, deceased ;

To regulate the pay of the Sheriff and Clerk of Benton county for ex-officio services ;

Amendatory to an act establishing Commissioners' Districts in the county of Walker, approved January 6, 1852 ;

Were severally read the third time and passed.

The Senate bills—

To increase the salary of the Secretary of State ;

To incorporate the Alabama Roofing Slate Company ;

To authorize the Court of County Commissioners' of Franklin county, to make appropriations for the relief of certain persons therein named ;

Were severally read a third time and passed.

The Senate bills—

To regulate and define the duty and liabilities of Railroad Companies in this State ; and,

To incorporate the Alabama Coal Mining Company ;

Were laid on the table.

The House amendment to the bill to repeal in part an act to amend the charter of the Northern Bank of Alabama, at

Huntsville, Alabama, approved February 17, 1854, was concurred in.

The bills—

To repeal section 110 of the Code, and other laws in reference to duelling oaths ; and,

To amend section 939 of the Code ;

Were severally read the second time and referred to the Judiciary committee.

The House bill to authorize James L. Murphey, of the county of Greene, to peddle books without license, was read a second time and the Senate refused to order to a third reading.

The House bill to authorize an increased tax on retailers in the city of Montgomery, was read a second time, and on motion of Mr. Bradford,

Was indefinitely postponed.

The House bills—

To amend an act, approved February 15, 1854, and to extend the jurisdiction of the Probate Court, of the several counties of this State ; and,

The bill for the relief of Sarah Ann Clark, of Morgan county ;

Were severally read a second time and referred to the committee on the Judiciary.

The House bill to authorize the Sheriff of Sumter county, to summon Bailiffs in certain cases ; and,

The bill to regulate Sheriffs' and Coroners' sales in the county of St. Clair ;

Were severally read the second time and ordered to a third reading.

The bill for the relief of L. H. Dickerson, was read the second time and referred to the committee on Accounts.

The bills to incorporate the Planters' Factory at Autauga-ville, was read the second time and referred to the committee on Internal Improvements.

The House bills—

To incorporate the Wetumpka Wharf Company ;

To compensate John R. Robertson and Geo. W. Cariker, of Barbour county ;

To enable Silas Morphew, of the county of Walker, to erect a dam therein named ;

For the relief of the Central Plank Road Company ;

For the relief of Jeannette C. Todd, of Clarke county ;

To prevent the failure of a Chancery Court, in consequence of the Chancellors not attending on the first or second days ;

To authorize the administrator of the estate of R. A. M.

Powell, deceased, of Fayette county, to sell the real estate on a longer time than one year ;

To change the times of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair ;

To compensate Thomas S. Locke, of Barbour county ;

To incorporate the Fulton Male and Female Academy, in Dallas county ;

To authorize the Commissioners' Court of the county of DeKalb, to re-convey land in a certain case ;

To authorize the process of garnishment in certain cases ;

To amend the road laws in Cherokee county ;

To remove the administration of the estate of R. L. Scott, deceased, late of Texas, from the county of Autauga to Montgomery county ;

To enlarge the jurisdiction of the Probate Court, in the settlement of the estates of deceased persons ;

To incorporate the Alabama Copper Mining Company ;

To prevent the burning of forests worked for turpentine ;

To incorporate the Calhoun Literary Society, of Somerville, Morgan county ;

To establish a Board of Physicians, in Newton, Dale county ;

To authorize the dismissal of suits in Chancery, in vacation ;

To amend section 778 of the Code ;

For the relief of William T. DeWitt, of Barbour county ;

For the relief of Wm. Norton ;

For the relief of Wm. Heard, of Barbour county ;

To amend the statute of limitations in this State ;

To exempt the citizens of the town of Columbiana, from working on the public roads, except within the corporate limits thereof ;

To authorize the Comptroller to purchase a fire proof safe ;

To repeal in part and amend an act therein named ;

To amend the criminal law ;

To authorize the appointment of Receivers in Chancery in vacation ;

Defining the duties of the Clerk of the City Court of Mobile ;

To change the time of holding the Chancery Court, in Wilcox county ;

To authorize the Commissioners' Court of Pike county, to appoint one or more Assistant Surveyors in said county ;

To regulate the number of Grand Jurors, in the county of Marion ;

To authorize the Commissioners' Court of Walker county, to levy a county tax ;

To repeal an act therein named ;

To reduce the compensation of the Commissioners of Roads and Revenue, for the county of Cherokee ;

To provide for the payment of Jurors in Choctaw county ;

To fix the boundary lines between the counties of Cherokee and Benton ;

Amendatory to an act establishing Commissioners' Districts in the county of Walker, approved January 6, 1852 ;

Establishing jury trials in Justices' Courts, in the county of Walker ;

To repeal in part an act relative to Justices' Courts in certain counties therein named ;

To legalize the proceedings of the Commissioners' Court of Choctaw county, and for other purposes ;

For the relief of John Neblett ;

For the relief of M. B. Breedlove ;

To consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county ;

Authorizing auction sales in Cherokee county ;

To change the time of holding the Winter term of the Chancery Court of Cherokee ;

To repeal an act therein named ;

To compensate Surgeons and Physicians in certain cases ;

To authorize Susan Lee, to erect two gates on Pipkins Ferry and Livingston road ;

To incorporate the Spring Hill Male and Female Academy in Marengo county ;

To authorize the election of an additional Constable in Beat No. 6, in the county of Coffee ;

For the benefit of certain persons therein named ;

For the benefit of certain persons therein named ;

To amend section 3249 of the Code ;

To compel certain persons now exempt from working on public roads in DeKalb ;

To regulate the collection of debts before Justices of the Peace for Walker county ;

To regulate the proceedings of the Board of Commissioners of Clarke county ;

In relation to hunting wild hogs in Marengo and other counties therein named ;

To insure the proper payment of State witnesses in Chambers county ;

To incorporate the Pickens and Noxubee, Mississippi, Railroad Company ;

Were severally read the first time and ordered to a second reading.

The House bills—

To repeal certain acts regulating Justices' Courts in the county of Randolph ;

To divorce Mary E. Green from her husband, Rufus Green, and other persons therein named ;

To amend an act to suspend in part the patrol law in the counties of Marshall, Cherokee, DeKalb and others ;

To incorporate the village of Perryville, and for other purposes ;

To prevent the sale of spirituous liquors within three miles of Monroeville and within two miles of Philadelphia Church, in Monroe county ;

Were severally read three times forthwith and passed.

The House bill for the relief of Wm. Lecroy, of Coosa county, was read a second time.

Mr. Powell moved to amend by striking out "William," and inserting "Hosea."

The amendment was adopted, and the bill read a third time forthwith and passed.

The House bill to refund money to the Montgomery True Blues, was read first and second times and referred to Finance committee.

The House bill to incorporate the Hillabee and Goldville Mining Company, was read first and second times forthwith and referred to committee on Internal Improvements.

The House bill to compensate Stephen M. Swain, of Mobile county, was read first and second times and referred to Judiciary committee.

The Senate bill to amend section 3225 of the Code, was read a second time and referred to Judiciary committee.

The Senate adjourned till half past 3 o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate proceeded to the consideration of the special order, it being the House bill to incorporate the Commercial Bank of Alabama.

Mr. Malone moved to strike out "Selma," with a view of inserting "Decatur."

A division of the question being called for, the question was put on striking out.

Lost.

Mr. Gunn moved to strike out "Selma," and insert "Eufaula."

Lost.

The bill was read a third time and passed.

Mr. Gunn introduced a bill to define the liability of Railroad Companies, which was read the first and second times and referred to committee on Internal Improvements.

Mr. Gunn introduced a bill to amend section 1186 of the Code; and,

A bill to amend section 3046 of the Code.

Mr. Prince introduced a bill in relation to new trials, which was severally read first and second times, and referred to committee on the Judiciary.

Mr. Jemison introduced joint resolutions for printing and distributing the report of the State Geologist, which were read the first and second times.

Mr. Jemison moved to strike out the words "excepting the State of Massachusetts and other States, that have interfered with the institution of slavery in the South or West."

Carried.

Yeas 16; nays 13.

Those who voted in the affirmative, are:

Messrs. Bethea, Bradford, Brindley, Gay, Gunn, Hobdy, Jemison, Kimball, Lamar, Malone, Nelson, Patton, Taylor, Webb, Thomas Wilson and Wilson of Pickens.

Those who voted in the negative, are:

Messrs. Abernathy, Acklin, Bacon, Baker, Cocke, Felder, Hewlett, Jenkins, H. C. Jones, E. P. Jones, Powell, Prince and Searcy.

Mr. Bacon introduced a bill to authorize the consolidation of the stocks of the Atlanta and LaGrange Railroad Company, and of the West Point and Tennessee River Railroad Company of the State of Alabama, and for other purposes therein named, which was read first and second times and referred to the committee on Internal Improvements.

Mr. Searcy introduced a bill to legalize the proceedings of the Commissioners' Court of Henry county, which was read first, second and third times forthwith and passed.

The Senate then adjourned until to-morrow morning 10 o'clock.

JANUARY 26, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Mr. Thomas Wilson reported favorably on the bill for the benefit of L. H. Dickerson, with an amendment, proposing to strike out "Diskerson," and insert "Dickerson," where it occurs in the bill and title.

The amendment was adopted, and the bill read a third time and passed.

Mr. Acklin introduced a bill to incorporate the North Alabama Insurance Company, which was read the first and second times and referred to the committee on Internal Improvements.

Mr. Acklin also introduced a bill to authorize the Judge of the Probate Court of Madison county, to grant letters testamentary to Mathew B. L. McLelland, notwithstanding he is a non-resident, on the estate of his brother James J. McLelland, late of said county, which was read first and second times and referred to the Judiciary committee.

Message from the House by Mr. Elmore, informing the Senate that the House had amended and passed the Senate bill making an appropriation for the completion of the Alabama Insane Hospital.

The amendments of the House were concurred in.

On motion of Mr. Jemison,

The vote refusing to order the bill to authorize James L. Murphy, to peddle books in this State without license to a third reading, was reconsidered and the bill referred to the Judiciary committee.

Mr. Patton presented a memorial from L. A. M. Wood and other citizens of Lauderdale county, praying the passage of a law giving a majority of the voters of each beat or district, the right to sanction or prohibit the sale of alcoholic liquors within the bounds of said district.

The memorial was referred to a Select committee, consisting of Messrs. Patton, Lamar, Gunn, Baker and Malone.

Mr. Felder introduced a bill to protect Plank and McAdamized Roads, which was read the first and second times and referred to the Judiciary committee.

The House bills—

To regulate Sheriffs' and Coroners' sales in the county of St. Clair ;

For the relief of John Neblett ;

To amend an act to fix the boundary line between the counties of Cherokee and Benton ;

Exempting the citizens of the town of Columbiana, from working on public roads except within the corporate limits thereof ;

To establish a Board of Physicians in Newton, Dale county ;

To incorporate the Fulton Male and Female Academy, in Dallas county ;

Authorizing the Commissioners Court of DeKalb county, to re-convey land in a certain case ;

To prevent the burning of forests worked for turpentine ;

To remove the administration of the estate of R. L. Scott, deceased, late of Texas, from Autauga to Montgomery county ;

To authorize the Sheriff of Sumter county, to summon Bailiffs in certain cases ;

To authorize the administrator of the estate of R. A. M. Powell, deceased, of the county of Fayette, to sell the real estate on a longer time than one year ;

Were severally read a second and third time, and passed under a suspension of the rule.

The bills—

To incorporate the Wetumpka Wharf Company ;

For the relief of the Central Plank Road ;

To incorporate the Alabama Copper Mining Company ;

To incorporate the Pickens and Noxubee, Mississippi, Railroad Company ;

Were severally read a second time and referred to committee on Internal Improvements.

The House bills—

To insure the proper payment of State witnesses, in Chambers county ;

To regulate the collection of debts before Justices of the Peace, in the county of Walker ;

To amend section 3249 of the Code ;

To enlarge the jurisdiction of the Probate Courts, in the settlement of the estates of deceased persons ;

To authorize the election of an additional Constable in Beat No. 6, in the county of Coffee ;

To repeal an act therein named ;

To change the time of holding the Winter term of the Chancery Courts in Cherokee county ;

Authorizing auction sales in Cherokee county ;

To consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county ;

To legalize the proceedings of the Commissioners' Court of Choctaw county, and for other purposes ;

To repeal in part an act relative to Justices' Courts, and for other purposes in certain counties therein named ;

Establishing jury trials in Justices' Courts in the county of Walker ;

Amendatory to an act establishing Commissioners' Districts in the county of Walker ;

To provide for the payment of Jurors, in Choctaw county ;

To reduce the compensation of the Commissioners' of Roads and Revenue, of Cherokee county ;

To repeal an act therein named ;

To authorize the Commissioners' Court of Walker county, to levy a county tax ;

To regulate the number of Jurors in the county of Marion ;

To authorize the Commissioners Court of Pike county, to appoint one or more Assistant Surveyors for said county ;

To change the time of holding the Chancery Court of Wilcox county ;

Defining the duties of the Clerk of the City Court of Mobile ;

To authorize the appointment of Receivers in Chancery, in vacation ;

To amend the criminal law ;

To repeal in part and amend an act therein named ;

To amend the statute of limitations in this State ;

For the relief of Wm. Head, of Barbour county ;

For the relief of Wm. Norton ;

To amend section 778 of the Code ;

To authorize the dismissal of suits in Chancery, in vacation ;

To enable Silas Morphew, of Walker county, to erect a dam therein named ;

To prevent the failure of a Chancery Court, in consequence of the Chancellor not attending on the first or second days ;

To change the time of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair ;

To authorize the process of garnishment in certain cases ;

Were severally read a second time and referred to the Judiciary committee.

Mr. Gunn introduced a bill to authorize civil actions for felonies before conviction or acquittal in certain cases, which was read first and second times and referred to Judiciary committee.

Mr. Hobdy, from the Select committee, to whom was refer-

red the subject of re-organizing the Judicial Circuits of this State, reported a bill for that purpose, which was read the first and second times and referred to Judiciary committee.

The House bills—

To compensate Surgeons and Physicians in certain cases ;

For the benefit of certain persons therein named ;

For the benefit of certain persons therein named ;

For the relief of Wm. T. Dewitt, of Barbour county ;

To compensate John R. Robertson and Geo. W. Carriker, of Barbour county ;

For the relief of Jeannette C. Todd, of the county of Clarke ;

To compensate Thomas L. Locke, of Barbour county ;

Were severally read a second time and referred to the committee on Accounts and Claims.

The House bills—

Compelling certain persons now exempt from working on public roads in DeKalb county ;

To authorize Susan Lee to erect two gates on the Pipkins Ferry and Livingston road ;

To amend the road laws in Cherokee county ;

Were severally read a second time and referred to the committee on Roads, Bridges and Ferries.

The House bill in relation to hunting wild hogs in Maren-go and other counties therein named, was read a second time and referred to the committee on Propositions and Grievances.

The House bill for the relief of M. B. Breedlove, was read the second time and referred to committee on Sixteenth Sections.

The House bill to regulate the proceedings of the Board of County Commissioners, in the county of Clarke, was read a second time and ordered to a third reading.

The House bill to authorize the Comptroller to purchase a fire proof safe, was read the second time and referred to the Finance committee.

The House bill to incorporate the Calhoun Literary Society of Somerville, Morgan county ;

And the House bill to incorporate the Spring Hill Male and Female Academy,

Were severally read a second time and referred to the committee on Education.

Mr. Gay introduced a bill to authorize Wm. Adamson to erect a dam across the Tallapoosa river, in Chambers county.

Mr. Webb introduced a bill to change the time of trying the criminal docket of Butler county ;

Which were severally read the first, second and third times forthwith and passed. The Senate proceeded to reconsider the bill to prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama, together with the following message :

EXECUTIVE DEPARTMENT, }
January 26, 1856. }

To the Senate

The bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama, and the bill to be entitled an act to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy, I herewith return to the Senate, where they originated, without my approval.

The fact that the colleges and schools of the country are to be made to stand god-fathers to the kind of legislation proposed in these bills, the partiality with which any thing connected with the subject of education is viewed in the popular mind—and the readiness of men to assail a public officer and misinterpret his motives—might well deter me from vetoing these bills on the ground that I do. But I am willing to be tried by the people, having the utmost faith in the correctness and justice of their judgement. Prohibitory legislation in regard to the sale of spirituous liquors, is one of those modern, sumptuary measures of reform which have, of late years, so much distracted the people of the Northern States of this Union. From a close observation of the effects of such measures, in the States in which they have been adopted, both upon temperance and the morals of the country, I am satisfied that all such attempts to force public opinion, or to force men into temperance and sobriety, are not only useless, but eminently prejudicial to the ends had in view. No law can be sustained to any extent that is not in accordance with public sentiment or public feeling, no odds what may be its stringency or severity of penalty. Some fifteen years ago, the Massachusetts Legislature passed a twenty gallon law, as I think it was termed, prohibiting the sale of spirituous liquor in that State in less quantities. And what was the result? Immediately afterwards sprung into existence what was termed the “striped pig.” Men could see a painted pig in a back room, for the amount usually paid for a drink, and then get a drink for nothing. After vainly endeavoring to enforce

this law, it was finally, after much strife and litigation, repealed. The State has since made an effort, under the Maine liquor law plan, to correct the evils of intemperance, but with no better success, if the newspapers are to be believed. In the State of Maine, there is the "Maine Liquor Law," sure enough, prohibiting the sale of liquor in any quantity whatever, except for mechanical or medical purposes, and then only by a druggist. And what has this effected? It has effected a concentration of the retail business in the hands of druggists, and caused more cramps in the stomach than were ever known previously in that State; and caused more mechanism to be projected than possibly ever can be perfected. It has, besides, caused the sale of many handsomely bound volumes, purporting, on their exterior, to be the Bible, or other valuable works, but containing internally only the forbidden beverage. After years of trial, great personal feeling engendered by it, and much precaution under it, the system is about to be, if it has not already been, abandoned. These evasions show us, that until popular sentiment is ripe for such laws, that until the people are willing to, and can enforce, as well as to have passed such restrictions, there is no use of such enactments. They not only fail to remedy the evil intended to be remedied, but give rise to others, as well as much fraud, chicanery, deceit and personal ill-feeling. More can be done for temperance by moral suasion and the cultivation of the grape and the production of native wines, which exilerate without intoxicating like alcoholic drinks, than could be effected by a thousand stringent prohibitory laws. I wholly repudiate the assumption contained in the two bills under consideration, that our colleges and schools demand such protection. It is an unjust aspersion upon the youth of our State, and upon the character of the State itself, to assume that education cannot be attained where liquors are sold, within a given number of miles, at retail. It is a reproach that should mantle the cheeks of every Southerner, at least, every Alabamian, with shame. But, perhaps, the protection was designed to act only in reference to the professors and teachers employed. If so, I would recommend the employment of those only who have been raised and educated at the South and not those who come from the land where prohibitory measures are deemed necessary to keep them sober. When parents, and others, having control of the youth of the land, will cease to look for such extravagance, aid and perform their own duties to those under their control by earnest precepts and unbending examples of sobriety and virtue; when those cloth-

ed with the power and authority of the sacred desk, in their own Godly walk and lives, become patrons of morality and virtue, and cease to meddle with secular affairs, or to dabble in the muddy and intemperate waters of politics, the cause of education, or of intemperance, will need no such questionable props as are here proposed. But so long as parents and others only teach temperance, and lecture on the ruinous effects and horrors of liquor, with a side-board or closet full of the best brands—so long as many, who are so fierce in their demands for legislation on the subject, have so often to go or send to the drug store to do what Paul recommended to Timothy—to take a little wine for the stomach's sake—and so long as the champions of legislative temperance are most eloquent under the inspiring influence of alcohol, little or nothing can or ought to be hoped for from legislation to advance the cause of temperance.

If the two schools, named in the bills under consideration, demand this sort of legislation, every school in the State, from the University of Alabama down to the last Sixteenth Section school, equally demands it ; but as no such stringent temperance regulations have been required for the success of the great institutions of learning in the world, I think the friends of these two schools may well dispense with them, as unwise and objectionable, as they certainly appear to be to my mind.

Respectfully,

JOHN A. WINSTON.

The bill passed notwithstanding the veto.

Yeas 20 ; nays 8.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Felder, Gunn, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Powell, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Gay, Hobdy, E. P. Jones, Searcy, Thomas Wilson and B. F. Wilson.

The Senate proceeded to reconsider the bill to prevent the sale of spirituous liquors within one mile and a half of New Harmony Academy, said bill having been vetoed by the Governor.

The Senate refused to pass the bill.

Yeas 10 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Bethea, Cocke, Gunn, Lamar, Nelson, Patton, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Bacon, Bradford Brindley, Felder, Gay, Hobdy, Jemison, H. C. Jones, E. P. Jones, Powell, Searcy, Thomas Wilson and B. F. Wilson.

The Senate next proceeded to reconsider the bill to incorporate the Florence Wesleyan University, together with the following message from the Governor :

EXECUTIVE DEPARTMENT, }
January 26, 1856. }

To the Senate :

I am unable to find any thing in the bill to be entitled an act to incorporate the Florence Wesleyan University, which makes it different from others returned without my approval, except that a number of the members of the Legislature are made trustees in the corporation.

Whether this fact is of such importance as to entitle it to special exemption, or whether a knowledge of the circumstances will add much to the reputation of the institution, I am not now prepared to say. But I see no reason why all the ends proposed to be attained by this, and the various bills of the same character, could not be attained by an enlargement of the general law on the subject, which would lessen legislation, shorten the time of the session, and lighten the expenses to the people—a consumation most devoutly to be wished.

Having various bills of this nature to return to the Legislature, I am compelled to be brief, and to refer to the objects heretofore communicated to your honorable body, as well as to the House of Representatives.

Respectfully,

JOHN A. WINSTON.

The bill passed notwithstanding the veto.

Yeas 23 ; nays 3.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Gunn, Hatcher, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kimball, Lamar, Malone, Nelson, Patton, Powell, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Brindley, Gay and Hobdy.

Message from the House by Mr. Chapman :

Mr. President :

The House has reconsidered and passed a bill, which originated in the House,

To incorporate the Southern University, in the county of Greene, and for other purposes, notwithstanding the Executive veto.

The Senate proceeded to consider the bill and veto message, and the bill passed.

Yeas 17 ; nays 7.

Those who voted in the affirmative, are :

Messrs. Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Gunn, Jemison, Jenkins, H. C. Jones, Kimball, Lamar, Malone, Nelson, Patton, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Brindley, Felder, Gay, Hobdy, Jones of Fayette, Searcy and Wilson of Jackson.

The Senate then adjourned until Monday morning, 10 o'clock.

JANUARY 28, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. E. P. Jones presented the petition of L. C. Hopkins and others, which was referred to the Judiciary committee.

Mr. Kimball reported as correctly enrolled :

An act making an appropriation for the completion of the Alabama Insane Hospital ;

And an act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved February 17, 1854.

Message from the House by Mr. Chapman :

Mr. President :

The House has adopted the following resolution :

Resolved, That with the concurrence of the Senate, the two Houses of the General Assembly will adjourn *sine die* on Friday, the 15th day of February next, at 12 o'clock, M.

The Senate suspended the general orders, in order to take into consideration the above resolution.

Mr. Kimball moved to postpone the consideration of the resolution until Friday next, which was lost.

Yeas 10 ; nays 20.

Those who voted in the affirmative, are :

Messrs. Bacon, Bradford, Brindley, Cocke, Hewlett, Jemison, Jenkins, Kimball, Powell and Taylor.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Felder, Gunn, Hobdy, H. C. Jones, E. P. Jones, Lamar, Malone, Nelson, Patton, Peterson, Prince, Searcy, Webb, Thomas Wilson and B. F. Wilson.

Mr. H. C. Jones moved to strike out the "15th February" and insert "11th."

Mr. Felder moved to amend by striking out "11th" and insert the "4th February."

Mr. Malone moved to lay the amendment to the amendment on the table. Carried. Yeas 20; nays 9.

Those who voted in the affirmative, are:

Messrs. Abernathy, Acklin, Bacon, Baker, Brindley, Gunn, Hewlett, Jenkins, H. C. Jones, E. P. Jones, Kimball, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Taylor and Webb.

Those who voted in the negative, are:

Messrs. President, Ashley, Bradford, Cocke, Felder, Hobdy, Lamar, Thomas Wilson and B. F. Wilson.

The question recurred on striking out "15th" and insert "11th," which was carried. Yeas 18; nays 9.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Ashley, Baker, Felder, Gunn, H. C. Jones, E. P. Jones, Lamar, Malone, Nelson, Patton, Peterson, Prince, Webb, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are:

Messrs. Bacon, Bradford, Brindley, Cocke, Hobdy, Jenkins, Kimball, Searcy and Taylor.

Mr. Acklin reported unfavorably on the bill to amend section 3046 of the Code.

Mr. Gunn moved to lay the report on the table, which was lost.

The report was then concurred in.

Mr. Acklin reported unfavorably on the bill to amend section 1186 of the Code.

The report was laid on the table, and the bill ordered to a third reading.

Mr. Acklin reported unfavorably on the bill to reduce the fees of Probate Judges in certain cases.

The report was concurred in.

Mr. Acklin reported favorably on the House Bill to compensate Stephen M. Swain, of Mobile county.

The bill was ordered to a third reading.

Mr. Acklin reported adversely to the bill to change the times of holding the Circuit Courts of Madison and Jackson counties.

The report was concurred in.

Mr. Acklin reported a substitute for the bill to authorize C. W. Cottingham, of the county of Lowndes to make a new docket.

The substitute was adopted, and the bill was read a third time and passed.

Mr. Acklin reported favorably on the House bill to amend an act, approved February 15, 1854, and to extend the jurisdiction of the Probate Courts of the several counties in this State.

The bill was read a third time forthwith and passed.

Mr. Acklin reported unfavorably to confer upon Courts of Chancery power to sell estates in common, in certain cases, for partition.

The report was concurred in.

Mr. Taylor reported unfavorably on the bill to confirm the contract heretofore made for building a court house in the county of Coosa.

The bill was read a third time and passed.

Mr. Patton reported favorably on the bill to authorize the consolidation of the stocks of the Atlanta and LaGrange Railroad Company and of the West Point and Tennessee River Railroad Company of the State of Alabama, and for other purposes therein named.

The bill was read a third time and passed.

Mr. Patton reported favorably on the bill to incorporate the Planters' Factory, at Autaugaville.

The bill was ordered to a third reading.

Mr. Patton reported favorably on the bill to incorporate the Hillabee and Goldville Mining Company.

The bill was read a third time and passed.

Mr. Brindly reported favorably on the bill to regulate the sale of spirituous liquors in precinct No. 5, in Shelby county.

The bill was ordered to a third reading.

Mr. Brindley reported adversely to the bill for the relief of LaFayette Defriese.

The report was concurred in.

Mr. Thomas Wilson, from committee on Accounts, to whom was referred the petition of Jno. Aday, of Madison county, reported a bill for the relief of certain persons therein named.

The bill was read a first and second time and ordered to a third reading.

Mr. Searcy introduced the following resolution:

Resolved, That from and after Saturday next, there shall be no new business presented to this Senate.

Mr. Ashley introduced a bill to authorize the Governor to issue certain Sixteenth Section patents therein named.

The bill was read the first and second times and referred to the committee on Sixteenth Sections.

Mr. Bacon introduced a bill to amend the charter of the West Point, Georgia, and Tennessee River Railroad Company, which was read the first, second and third times forthwith, under a suspension of the rule, and passed.

Mr. Felder introduced a bill to make compensation for arresting criminals, which was read the first and second times and referred to the Judiciary committee.

Mr. Nelson introduced a bill to extend the time of issuing executions from the Circuit Court of Shelby county, which was read the first and second times and referred to the Judiciary committee.

The House bill to regulate the proceedings of the Board of County Commissioners of Clarke county, was read a third time and passed.

The House bill for the relief of Henry M. Elmore and others, was read a first and second time and referred to the committee on Banks and Banking.

The joint resolutions from the House, upon the present condition of public affairs, was read a first and second time and referred to the committee on Federal Relations.

Message from the House by Mr. Elmore :

Mr. President :

The House has reconsidered and passed a bill to incorporate the Selma Manufacturing Company, notwithstanding the Executive veto.

The House has originated and passed a bill amendatory of an act to charter the Wills Valley Railroad Company, approved February 3, 1852.

The Senate proceeded to consider the bill from the House to incorporate the Alabama Manufacturing Company, at Selma, together with the Executive veto.

The bill passed notwithstanding the veto.

Yeas 27 ; nays 2.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bacon, Baker, Be-thea, Bradford, Cocke, Felder, Gunn, Hewlett, Hobdy, Jemison, Jenkins, H. C. Jones, Kimball, Lamar, Nelson, Patton, Peterson, Powell, Prince, Taylor, Webb, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Brindley and E. P. Jones.

The Senate proceeded to the consideration of the special order, it being the bill to apportion Representatives among the several counties in this State, and to divide the State into Senatorial Districts.

Mr. Patton moved to recommit the bill to the committee on Apportionment, together with the returns corrected by the Secretary of State.

The bill was so committed.

Mr. Cocke introduced a bill to loan a portion of the two per cent. fund to the Alabama and Mississippi Rivers Railroad Company, which was read a first and second time and referred to the committee on Internal Improvement.

Message from the House by Mr. Chapman :

Mr. President :

The House has reconsidered, and passed over the Executive veto, Senate bills entitled :

An act to incorporate the Florence Wesleyan University ;
For the relief of Spencer Moore and Monemia Kinsey ;

To incorporate the Huntsville Mining and Manufacturing Company.

The House has originated and passed a bill providing for a survey of a central route from North to South Alabama.

The Senate proceeded to the consideration of the special order, it being the joint resolutions on the subject of slavery, foreign immigration, &c.

The further consideration of the resolutions was postponed until Thursday next, at 12 o'clock, M.

Another special order was the joint resolutions for the payment of Brittan & Blue.

The Senate adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment, and proceeded to consider the joint resolutions for the payment of Brittan & Blue.

Mr. Baker moved to postpone indefinitely the further consideration of the subject.

Carried.

Yeas 19 ; nays 10.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Be-thea, Cocke, Gunn, Jemison, H. C. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Bacon, Bradford, Brindley, Felder, Hewlett, Hobdy, Jones of Fayette, Powell, Searcy and Wilson of Jackson.

The Senate then adjourned until to-morrow morning, 10 o'clock.

JANUARY 29, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Findley.

Message from the House by Mr. Chapman.

Mr. President :

The House has reconsidered a bill which originated in the Senate and vetoed by his Excellency, entitled an act to prohibit the sale of spirituous liquors within three miles of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama, and has refused to repass the bill.

Mr. H. C. Jones presented a petition of sundry citizens of Franklin county, with regard to the county boundary of said county.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to authorize the Commissioners' Court of the county of Walker, to levy a county tax.

On motion of Mr. Hewlett,

The report and bill were laid on the table.

Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed bills entitled ;

An act to amend an act entitled an act, to incorporate the Græffenburg Medical Institute ;

An act for the benefit of Sumter county ;

An act to authorize the Mississippi, Gainesville and Tuscaloosa Railroad Company, to issue mortgage bonds and to dispose of the same ;

An act to prevent the retail or sale of ardent spirits in Pine Level Beat, in Montgomery county ;

An act to amend an act, entitled an act to incorporate the Southern University at Greensboro,' and for other purposes ;

An act to amend an act to incorporate the Alabama and East Tennessee Railroad Company ;

An act for the relief of the administrator of Thos. S. Mays, and others :

An act to change the time of holding the next Spring term of the Circuit Court of Talladega county.

The House has refused to concur in the amendment of the Senate, to the resolution originated in the House to adjourn on the 15th of February—the Senate having stricken out the 15th and inserted 11th.

Mr. Acklin, from the Judiciary committee, reported favorably on the following bills :

A bill to repeal an act therein named ;

A bill to reduce the compensation of County Commissioners' of Roads and Revenues in the county of Cherokee ;

A bill to repeal in part an act relative to Justices' Courts, and for other purposes in certain counties therein named ;

A bill to authorize the dismissal of suits in Chancery, in vacation ;

An act to legalize the proceedings of the Commissioners' Court of Choctaw county, and for other purposes ;

A bill authorizing auction sales in Cherokee county ;

A bill to authorize the Judge of the Probate Court of Madison county, to grant letters testamentary to Mathew V. L. McClelland, &c.

The reports were concurred in and the bills severally read the third time and passed.

Mr. Acklin, from the same committee, reported favorably on the bill to repeal an act therein named.

On motion of Mr. Ashley,

The report and bill were laid on the table.

Mr. Acklin, from the same committee, reported favorably on the bill to amend the criminal law.

Mr. Acklin reported unfavorably on the bill to amend section 778 of the Code.

The report was concurred in.

Mr. E. P. Jones, from the Judiciary committee, reported favorably on the bill to regulate the number of Grand Jurors in the county of Marion.

The bill was read the third time forthwith and passed.

Mr. Taylor, from the same committee, reported favorably on the bill to amend the statute of limitations in this State.

The Senate refused to order the bill to a third reading.

Mr. Gunn, from the same committee, reported adversely on the bill to authorize the appointment of Receivers in Chancery, in vacation.

The report was concurred in.

Mr. Gunn also reported adversely on the bill to prevent the failure of a Chancery Court in consequence of the Chancellor not attending on the first or second days.

The report was concurred in.

Mr. H. C. Jones, from the same committee, reported favorably on the bill to change the time of holding the Chancery Court in Wilcox county.

The bill was read the third time forthwith and passed.

Mr. Gunn, from the same committee, to whom was referred a bill to amend section 3249 of the Code, reported that the

proposed legislation was inexpedient, as the bill proposes to change the punishment, upon conviction for keeping or exhibiting gaming tables, for that of a fine, which in the opinion of your committee, is unwise and impolitic; that which all admit to be an evil of magnitude, should be provided against by stringent enactments, vigilantly enforced.

Besides, a moneyed fine would be but little terror to most of those who but for the present stringent enactment, might engage in the business, either from the fact that they had not the money to pay, or if they had it place but little estimate thereon. Because of which, with other reasons which might be assigned, they are constrained to believe the bill inexpedient.

The report was concurred in.

Mr. Gunn, from the same committee, reported unfavorably on the bill amendatory to an act establishing Commissioners' Districts in the county of Walker.

On motion of Mr. Hewlett,

The report was laid on the table.

The bill was ordered to a third reading.

Mr. Jenkins, from the committee on Roads, Bridges and Ferries, reported favorably on the bill to amend the road laws in Cherokee county.

The bill was read a third time and passed.

Mr. Taylor, from the committee on the Judiciary, reported adversely to the bill to provide for the payment of Jurors in Choctaw county.

The Senate refused to concur in the report.

The bill was read a third time and passed.

Mr. Taylor, from the same committee, reported unfavorably on the bill to authorize the election of an additional Constable in Beat No. 6, in the county of Coffee.

The Senate refused to concur in the report.

The bill was read a third time forthwith and passed.

Mr. Taylor, from the same committee, reported adversely on the bill to consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county.

The report was concurred in.

On motion of Mr. Jenkins,

This vote was reconsidered.

Mr. H. C. Jones moved to amend by adding "that the bonds of the officers so consolidated, shall be filed with the Register in Chancery of the District."

The amendment was adopted, and the bill read the third time and passed.

Mr. Acklin, from the committee on the Judiciary, reported favorably on the bill to authorize the Commissioners' Court of Pike county, to appoint one or more Assistant Surveyors in said county.

The bill was read the third time forthwith and passed.

Mr. Bethea, from the committee on Finance, reported favorably on the bill to refund a certain sum of money to the Montgomery True Blues.

The bill was read the third time forthwith and passed, and ordered that the same be sent forthwith to the House of Representatives.

Mr. Bethea, from the same committee, reported favorably on the bill to authorize the Comptroller of Public Accounts to purchase a fire-proof safe.

The bill was read the third time forthwith and passed.

Mr. Bethea, from the same committee, reported unfavorably on the bill to be entitled an act to burn the bills of the Bank of the State of Alabama and its Branches, which may be in the State Treasury on the first day of January, 1856.

Mr. Bethea moved to postpone the further consideration of the bill until half past three o'clock on Monday next, and make it the special order for that hour.

Lost.

Mr. Baker moved to make it the special order for half past three o'clock on Saturday next. Lost.

On motion of Mr. Patton,

The bill was made the special order for half three o'clock, on Friday next.

On motion of Mr. H. C. Jones,

So much of the message of the House as relates to the time when this General Assembly shall adjourn *sine die*, was taken up and considered by the Senate.

Mr. Baker moved to postpone the further consideration of the subject until Tuesday next, at 12 o'clock, M., and make it the special order for that hour.

Carried.

Yeas 21 ; nays 10.

Those who voted in the affirmative, are :

Messrs. Baker, Bacon, Bethea, Bradford, Brindley, Cocke, Felder, Gunn, Hewlett, Hobdy, Jemison, Jenkins, E. P. Jones, Kimball, Nelson, Peterson, Prince, Searcy, Taylor and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Ashley, H. C. Jones, Lamar, Malone, Patton, Webb and Thomas Wilson.

Mr. Patton, from the committee on Education, reported favorably on the bill to incorporate the Spring Hill Male and Female Academy, in Marengo county.

The bill was read the third time and passed.

Mr. Patton, from the committee on Inland Navigation and Internal Improvements, reported favorably on the bill to incorporate the Wetumpka Wharf Company.

Mr. Powell moved to amend as follows :

“ *Provided*, The General Assembly shall hereafter have power at any time to modify or repeal this act.”

On motion of Mr. Felder,

The bill and report were both laid on the table.

Mr. Patton, from the same committee, to whom was referred the bill to incorporate the North Alabama Insurance Company at Huntsville, reported the same back with an amendment, which was adopted.

The bill was read a third time forthwith and passed.

Mr. Patton, from the committee on Education, reported favorably on the bill to incorporate the Calhoun Literary Society of Somerville, Morgan county.

The bill was read the third time forthwith and passed.

Mr. Patton, from the committee on Internal Improvements, reported favorably on the bill to incorporate the Pickens and Noxubee, Mississippi, Railroad Company.

The bill was read the third time forthwith and passed.

Mr. Patton, from the same committee, reported favorably on the bill to loan a portion of the two per cent. fund to the Alabama and Mississippi Rivers Railroad Company.

The bill was ordered to a third reading.

Mr. Patton introduced a preamble and joint resolutions to the Congress of the United States, in reference to the duty on Railroad Iron, which were severally read the first, second and third times forthwith and passed.

Mr. Felder, from the committee on the Judiciary, reported favorably on the bill to allow the Probate Judge of Montgomery county, to take jurisdiction of the estate of Warner Macon, deceased, of Macon county.

The bill was read the third time forthwith and passed.

Mr. Powell, from the committee on the Penitentiary, reported favorably on the bill to change the mode of appointing the Physician of the Alabama Penitentiary.

The bill was read the third time forthwith and passed.

Mr. Felder, from the committee on the Judiciary, reported unfavorably on the bill to authorize process of garnishment in certain cases.

The report was concurred in.

Mr. Hewlett introduced a bill to abolish punishment by confinement in the Penitentiary, and to amend the criminal law, which was read first and second times and referred to the committee on the Judiciary.

Mr. Felder, from the committee on the Judiciary, reported unfavorably on the bill to amend an act establishing jury trials in Justices' Courts in the county of Walker.

The report was concurred in.

The Senate then adjourned until half past 3 o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate proceeded to consider the bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches, now in the Treasury.

Mr. Baker moved to amend by way of substitute.

Mr. Jemison moved to postpone the bill and amendment until Friday next, at half 3 o'clock, p. m., and make it the special order for that hour.

Carried.

Message from the House by Mr. Chapman, informing the Senate that the House had amended and passed a Senate bill entitled an act to make a loan to the Alabama and Mississippi Railroad Company.

The House bill to authorize the Mississippi, Gainesville and Tuscaloosa Railroad Company, to issue mortgage bonds and dispose of the same, was read the first, second and third times forthwith and passed.

The bill to aid the Alabama Medical College, was made the special order for to-morrow, at 12 o'clock, m.

The amendments of the House to the bill to make a loan to the Alabama and Mississippi Rivers Railroad Company were concurred in.

The House bill providing for the survey of a central route from North to South Alabama, was read the first and second times and referred to a select committee of one from each Congressional District.

The bill to provide for closing the remaining business of the State Bank and Branches and for other purposes, was made the special order for to-morrow, at 12 o'clock, m.

The bill to render more efficient the system of Free Public Schools in the State of Alabama, was made the special order for Thursday next, 12 o'clock, m.

The joint resolutions to provide for the printing and distribution of the report of the State Geologist, was read the third time and passed.

Yeas 19 ; nays 5.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Brindley, Cocke, Gunn, Hobdy, Jemison, Lamar, Malone, Nelson, Patton, Taylor, Webb, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Felder, E. P. Jones and Peterson.

The bill to repeal an act entitled an act to create a Clerkship in the Comptroller's office, was taken from the table and made the special order for Monday next, at 12 o'clock, m.

Message from the House by Mr. Chapman, informing the Senate that the House had passed a bill to change the boundaries of the county of Hancock, and for other purposes.

Mr. Kimball reported as correctly enrolled :

An act to regulate the summoning of Jurors in the counties of DeKalb and Covington ;

An act to authorize the completion of the final records of the Circuit Court, of the county of Madison ;

An act to authorize Charles Dear, to erect gates across a road therein named ;

An act to change the law in relation to County Surveyors and Coroners in the county of Dale.

The bill amendatory of an act to charter the Wills Valley Railroad Company, approved February 3d, 1852, was read the first, second and third times forthwith and passed.

Mr. Wilson of Jackson introduced a bill to create an additional Company Beat, in Jackson county and for other purposes, which was read the first, second and third times forthwith and passed.

Mr. Hobdy introduced a bill for the relief of William and Gater Gaff, of the county of Pike, which was read the first and second times and laid on the table.

Mr. Abernathy introduced a bill to define and establish definitely the dividing line between Beats No. —, and No. —, more generally known as Alexandria and Colvin's Beats, in Benton county, which was read the first, second and third times forthwith and passed.

The bill further defining the liabilities of steamboat officers and owners, was read the third time and laid on the table.

The bill to regulate the sale of spirituous liquors in pre-

cinct No. 5, in Shelby county, was read the third time and passed.

Yeas 14 ; nays 7.

Those who voted in the affirmative, are :

Messrs. Acklin, Gunn, Hatcher, Hewlett, Jemison, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson and Webb.

Those who voted in the negative, are :

Messrs. President, Abernathy, Bradford, Brindley, Felder, Jenkins and Thomas Wilson.

The Senate then adjourned until to-morrow morning, 10 o'clock.

JANUARY 30, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Nelson presented a petition from the citizens of Montevallo, in regard to the sale of spirituous liquors near their Academies, &c., which was referred to the committee on Propositions and Grievances.

Mr. Malone, from the committee on Sixteenth Sections, reported unfavorably on the bill for the relief of W. B. Breedlove.

On motion of Mr. Gunn,

The report and bill were laid on the table.

Mr. Taylor, from the committee on the Judiciary, reported unfavorably on the bill for the relief of Sarah Ann Clark, of Morgan county.

The Senate refused to concur in the report.

Yeas 11 ; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Brindley, Felder, Gunn, Jemison, Patton, Taylor, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Baker, Bradford, Cocke, Hewlett, Hobdy, Jenkins, E. P. Jones, H. C. Jones, Kimball, Lamar, Malone, Nelson, Peterson, Powell, Prince, Searcy and Webb.

Mr. Cocke moved to extend the provisions of the bill to Henrietta Sexton, of Perry county.

The amendment was adopted.

Mr. Hewlett moved to add the name of Francis Morrow, of Walker county.

Mr. Baker moved the previous question, which was sustained, and the bill ordered to a third reading.

Mr. Taylor, from the same committee, reported unfavorably on the bill to enable Silas Morphew, of the county of Wal-krr, to erect a dam therein named.

On motion of Mr. Hewlett,

The report was laid on the table.

The bill was ordered to a third reading.

Mr. President laid before the Senate the report of the Superintendent of Education on expenditures from the contingent fund, which was referred to the committee on Finance.

Message from the House by Mr. Chapman, informing the Senate that the House had passed the following bills :

To change the name of Sarah Cone.

Also, Senate bills entitled :

To amend section 8 of an act to incorporate the Alabama Dragoons and Montgomery Riflemen, approved 18th February, 1854, and to pay the Montgomery Riflemen for tents, accoutrements and camp equipages, as provided in said sections ;

To establish a Medical Board in the county of Chambers ;

To amend the charter of the Huntsville Seminary, granted by the Judge of Probate of Madison county ;

To amend the charter of the Montgomery and West Point Railroad Company ;

For the relief of Jane Cothran, of Perry county ;

To prevent the distruction of fish ;

To change the mode of electing county Treasurer for the county of Monroe ;

For the relief of A. Moore, Tax Collector of Lowndes county ;

Authorizing the Commissioners' of Revenue of Mobile county, to erect poor houses ;

To incorporate the Merchants, Mutual Insurance Company, of Montgomery ;

To prevent the sale of spirituous or vinious liquors within one mile of Jacksonville Academy, in Mobile county, and to prevent the sale of spirituous liquors within two miles of the school edifice, known as the Marshall Institute, in the county of Marshall ;

To provide for the electing of County Commissioners in the county of Henry ;

To authorize the Court of County Commissioners of Washington county, to issue bonds to raise money, with which to build a Jail ;

To prevent the sale of spirituous liquors within one mile and a half of the lot and building, known as Barnes' Store, at Pleasant Ridge, in the county of Greene ;

To authorize overseers of the Hamburg and Uniontown Public Road, in the county of Perry, to use timber for said road, under certain circumstances ;

To authorize the conferring of diplomas at the Southern Military Academy, of Chambers county.

Mr. Brindley, from the committee on Accounts, made the following report :

The committee on Accounts, to whom was referred the account of the officers of the Circuit Court of Marshall county, at the September term, 1853, in five several cases of Henry W. Collier, use, &c., vs. Richard Stephens, *et al.*, James Berry, *et al.*, Robert L. Elgin, *et al.*, and Manning Brookshear, *et al.*, have had the same under consideration, and instructed me to report, that although the cause of action does not appear in any way satisfactory before your committee, yet they are informed and believe that the above defendants, who, it seems, mulct the State—the costs of which several cases constitutes the account referred—were severally purchasers of parts of section 16, township 9, range 2, east, in the Huntsville Land District, and that said original defendants must have avoided, by their plea or pleas, the contracts of said sales by which the said several contracts were or should have been rescinded by the act of March 6th, 1848.—and the said purchasers dispossessed, but your committee find by the books in the possession of the Superintendent of Free Public Schools, that two notes were made, dated January 1st, 1853, for the aggregate amount of \$1167 78, and deposited in that office as it seems, in consideration of said section 16. Several smaller notes, therefore, as your committee think, were consolidated into the two above notes. Under the above circumstances, as understood by your committee, it is not believed that the account is properly chargeable with the costs, until it be shown that said section was not at the time worth the costs over and above what it originally sold for, or, that there was some just cause for giving the judgements against the State, and with township or the funds arising from the sale of the 16th section thereof, is justly chargeable. I am, therefore, instructed to hand back the account and ask that the committee be discharged from the further consideration thereof.

MACE T. P. BRINDLEY,

Chairman.

Ordered that the committee be discharged.

On motion of Mr. Lamar,

The account was referred to the committee on the Judiciary.

Mr. Gunn, from the committee on the Judiciary, reported adversely on the bill to enlarge the jurisdiction of the Probate Courts in the settlement of the estates of deceased persons.

The report was concurred in.

Mr Jenkins, from the committee on Roads, Bridges and Ferries, reported the bill compelling certain persons now exempt from working on public roads in DeKalb county, with an amendment, which was adopted.

The bill was read the third time forthwith and passed.

Mr. President announced the Select committee raised yesterday, of one from each Congressional District on the Central Railroad Survey, to consist of Messrs. Malone, Lamar, Bradford, Bethea, Jemison, Felder and Peterson.

Mr. Jenkins reported favorably on the bill to authorize Susan Lee to erect two gates on the Pipkins' Ferry and Livingston road.

The bill was read the third time and passed.

Mr. Acklin, from the committee on the Judiciary, reported adversely to the bill to authorize Judges of Probate to partition estates in common, as a bill had passed the Senate embracing the same objects contemplated by the bill.

The report was concurred in.

Mr. H. C. Jones, from the committee on the Judiciary, reported adversely on the bill to make compensation for arresting criminals.

The hour of 12 o'clock having arrived, the Senate proceeded to consider the special order, it being the bill to aid the Alabama Medical College.

Mr. Kimball moved to amend the bill as follows:

After dollars insert "in three annual instalments."

The amendment was adopted.

Mr. Webb moved to amend as follows:

"It shall be the duty of the faculty to furnish fresh vaccine virus, to the Probate Judge of each county, once in six months, to be distributed to the different Physicians of their respective counties, on application, free of charge."

The amendment was adopted.

The Senate refused to order the bill to a third reading.

Yeas 13; nays 16.

Those who voted in the affirmative, are:

Messrs. Ashley, Bethea, Bradford, Brindley, Gunn, Hewlett, Jemison, Kimball, Nelson, Prince, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are:

Messrs. President, Abernathy, Acklin, Baker, Cocke, Felder, Hobdy, H. C. Jones, E. P. Jones, Lamar, Malone, Patton, Peterson, Powell, Searcy, and Wilson of Jackson.

Mr. President (Mr. Acklin in the Chair) introduced a bill to enlarge the general law of incorporation, which was read the first and second times and referred to the committee on the Judiciary.

Mr. Jemison introduced a bill in relation to the rights and liabilities of Railroad and other Companies incorporated under the laws of this State, which was read the first and second times and referred to the committee on Internal Improvements.

Mr. Peterson introduced a bill to incorporate the Clayton Branch of the Mobile and Girard Railroad Company, which was read the first and second times and referred to the committee on Internal Improvements.

And the Senate adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Gunn,

The bill to incorporate the Chunnenugee Insurance Company, was taken from the table and read a third time and passed.

Mr. Searcy introduced a bill to establish a Medical Board in the county of Henry, which was read the first, second and third times forthwith and passed.

The Senate resumed the consideration of the bill to make compensation for arresting criminals.

Mr. Brindley moved to amend as follows :

“SEC. 2. *Be it further enacted*, That the Governor be authorized to offer rewards for fugitives from justice after conviction and imprisonment.”

Which was adopted, and the bill ordered to a third reading.

Yeas 14 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Bacon, Baker, Bethea, Brindley, Cocke, Felder, Hobdy, E. P. Jones, Malone, Nelson, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Bradford, H. C. Jones, Lamar, Patton, Peterson, Prince and Thomas Wilson.

Mr. Felder introduced a bill to amend the charter of the

city of Montgomery, which was read three times forthwith and passed.

Mr. Bacon introduced a bill in relation to emigration contracts, which was read the first and second times and referred to a Select committee, consisting of Messrs. Bacon, Hobdy, Powell, Thomas Wilson, H. C. Jones, Taylor and Webb.

Mr. Taylor introduced a bill to establish a Medical Board in the county of Greene, which was read first, second and third times forthwith and passed.

Mr. Taylor introduced a bill to amend the charter of the North-East and South-West Railroad, which was read first and second times and ordered to a third reading.

Mr. Acklin reported unfavorably on the bill to amend section 939 of the Code.

The report was laid on the table.

Mr. Peterson moved to amend by way of substitute.

The substitute was adopted.

Mr. Malone moved to amend as follows :

“*Provided*, Said privilege shall not extend longer than two years.”

The amendment was adopted, and the bill was ordered to a third reading. Yeas 18 ; nays 10.

Those who voted in the affirmative, are :

Messrs. Abernathy, Ashley, Baker, Cocke, Gunn, Hewlett, Hobdy, E. P. Jones, Kimball, Lamar, Malone, Nelson, Peterson, Powell, Prince, Searcy, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Bacon, Bethea, Bradford, Brindley, Felder, H. C. Jones, Patton, Taylor and Thomas Wilson.

Mr. Baker introduced a bill for the relief of S. M. Ingersoll, of Russel county, which was read the first and second times and referred to the committee on Propositions and Grievances.

The bill to close the remaining business of the State Bank Branches, was made the special order for to-morrow, 12 o'clock, M.

The House bills—

To amend the criminal law ;

Amendatory of an act establishing Commissioners' Districts in the county of Walker ;

To compensate Stephen M. Swain, of Mobile county ;

To incorporate the Planters' Factory, at Autaugaville ;

Also, Senate bills—

To loan a portion of the two per cent. fund, to the Alabama and Mississippi Rivers Railroad Company ;

For the relief of certain persons therein named ;
Were severally read a third time and passed.

Mr. Kimball, from committee on Enrolled Bills, reported as correctly enrolled, the following bills :

To authorize the conferring of diplomas at the Southern Military Academy, of Chambers county ;

To authorize the Court of Commissioners of Washington county, to issue bonds to raise money, with which to build a Jail ;

For the relief of A. Moore, Tax Collector, for Lowndes county ;

To provide for the electing of County Commissioners in the county of Henry ;

To authorize overseers of the Hamburg and Uniontown Public Road, in the county of Perry, to use timber for said road, under certain circumstances ;

To change the mode of electing the County Treasurer, of Monroe county ;

To amend section 8 of an act to incorporate the Alabama Dragoons and Montgomery Riflemen, approved February 18, 1854, and to pay the Montgomery Riflemen for tents, accoutrements and camp equipages, as provided in said section.

To amend the charter of the Montgomery and West Point Railroad Company ;

To amend the charter of the Huntsville Female Seminary, granted by the Court of Probate, of Madison county.

The Senate then adjourned until to-morrow morning, 10 o'clock, A. M.

JANUARY 31, 1856.

The Senate met pursuant to adjournment.

Mr. Taylor, from the committee on the Judiciary, to whom was referred the petition of Wm. T. Webb and others, reported a bill for the relief of Wm. T. Webb, which was read the first, second and third times forthwith and passed.

Mr. Acklin, from the committee on the Judiciary, to whom was referred the bill to authorize the Governor to issue a patent to certain persons therein named, reported favorably, and the bill was read the third time forthwith and passed.

Mr. Acklin, from the same committee, to whom was referred the petition of James D. Hanby, reported a bill to authorize James D. Hanby and his successors, to erect a mill dam across the Mulberry Fork of the Warrior river.

The bill was read the first, second and third times forthwith and passed.

Mr. Acklin reported favorably on the bill to amend section 3225 of the Code of Alabama.

The bill was read the third time and passed.

Mr. Baker, from the Judiciary committee, reported unfavorably on the bill to protect Plank and McAdamized roads.

The report was concurred in.

Mr. Baker reported unfavorably on the bill to repeal section 110 of the Code of Alabama, and other laws in reference to duelling oaths.

Mr. Gunn moved to lay the report on the table.

Carried.

The bill was ordered to a third reading.

Yeas 19 ; nays 11.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Ashley, Bacon, Bethea, Bradford, Brindley, Felder, Gunn, Hewlett, Hobdy, Jenkins, H. C. Jones, E. P. Jones, Peterson, Powell, Searcy, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Baker, Cocke, Jemison, Kimball, Lamar, Malone, Patton, Prince, Taylor and Wilson of Jackson.

The vote refusing to order the bill to aid the Medical College to a third reading, was reconsidered.

Mr. Bethea moved to amend the bill by way of substitute, which was adopted, and the bill made the special order for tomorrow, at 11 o'clock.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled :

An act to lay off the county of Jefferson into four Commissioners' Districts ;

An act to regulate Sheriff's and Coroner's sales in the county of St. Clair ;

An act to prevent the sale of spirituous liquors within three miles of Monroeville, and two miles of Philadelphia Church, in Monroe county ;

An act for the relief of the purchasers and heirs of the estate of Arthur Fant, deceased ;

An act for the relief of John Neblett ;

An act to divorce Thomas D. Broadway from his wife, R. Minty Broadway ;

An act to establish a Medical Board in the county of Chambers ;

An act to make a loan to the Alabama and Mississippi River Railroad Company ;

An act authorizing the Commissioners of Revenue of Mobile county, to erect a poor house ;

An act amendatory to an act, establishing Commissioners Districts in the county of Walker, approved January 6th, 1852 ;

An act to incorporate the Male Academy and the Female Seminary, in the town of Somerville, Morgan county ;

An act to incorporate the village of Hamburg, and for other purposes ;

An act to incorporate the village of Perryville, and for other purposes ;

An act to refund money to the True Blues ;

An act to divorce Mary E. Green from her husband, Rufus Green, and other persons therein named ;

An act to incorporate the Hillabee and Goldville Mining Company ;

An act to authorize the Sheriff of Sumter county to summon Bailiffs in certain cases ;

An act to consolidate the offices of Tax Collector and Assessor, for the county of Hancock.

Message from the House by Mr. Chapman, informing the Senate that the House had passed a bill making appropriations for the fiscal years 1856 and 1857.

Mr. Baker, from the Judiciary committee, reported favorably on the bill to authorize James L. Murphey, of the county of Greene, to peddle books in this State without license.

Mr. Kimball moved to amend as follows :

“That the provisions of this act shall be extended to James L. Porter, of Tallapoosa county, and Robert S. T. Henderson, of Cherokee county.”

Adopted.

Mr. Cocke moved to amend as follows :

“Strike out the words ‘James L. Murphey, of the county of Greene,’ and insert, ‘any citizen of the State of Alabama, who is so maimed or crippled that he cannot maintain himself by ordinary labor, and this fact shall appear from the certificate of the Judge of Probate of the proper county.’”

Lost.

The Senate then adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The orders being suspended.

Mr. Felder, from the Judiciary, reported unfavorably on

the bill for the relief of Wm. Head, of Barbour county.

The report was not concurred in, and the bill ordered to a third reading.

Mr. Patton, from the committee on Internal Improvements, reported favorably on the bill in relation to the rights and liabilities of Railroads and other Companies, incorporated under the laws of this State.

The bill was ordered to a third reading.

Mr. Patton, from same committee, reported adversely to the bill to define the liability of Railroad Companies

Mr. Gunn moved to lay the report on the table.

Lost.

The report was concurred in.

The Senate resumed the consideration of the bill to authorize James L. Murphey to peddle books without license, &c.

The rule was suspended, and the bill read a third time and passed.

Mr. Patton, from the committee on Apportionment, to whom was referred the bill to apportion Representatives among the several counties of this State, together with the tabular statement of the census returns as corrected by order of the House of Representatives, reported the bill with amendments and recommended its passage.

The bill was read the first time and made the special order for to-morrow, 11 o'clock, A. M.

The bill to change the boundaries of the county of Hancock and for other purposes, was taken up and read the first and second times.

Mr. H. C. Jones moved to refer the bill to a select committee.

Mr. Hewlett moved to refer to the committee on County Boundaries.

Carried.

Mr. Malone reported favorably on the bill to authorize the survey of a central route from North to South Alabama.

The bill was made the special order for to-morrow, 12 o'clock, M.

The bill for the relief of M. B. Breedlove was taken from the table, read a third time and passed.

The Senate then adjourned until to-morrow morning 10 o'clock, A. M.

FRIDAY, February 1, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Kimball reported as correctly enrolled :

An act to repeal certain acts regulating Justices' Courts in the county of Randolph ;

An act to increase the pay of County Court Commissioners of the county of Franklin ;

An act to regulate the pay of the Sheriff and Clerk of Benton county for ex-officio services ;

An act to authorize Thomas Thom & Sons, of Franklin county, to erect a certain dam therein named ;

An act for the relief of certain persons therein named ;

An act to divorce William B. Wilson from his wife, Sarah J. Wilson, and to divorce other certain persons therein named ;

An act to consolidate the offices of Tax Collector and Assessor for the county of Hancock ;

An act to allow executors and administrators discretionary powers in certain cases ;

An act to repeal in part an act entitled an act to incorporate the Pickens DeKalb Minute Men ;

An act to incorporate the Male College, at Auburn, Macon county ;

An act to change section 985 of the Code ;

An act for the relief of Elisha J. Grier, of the county of Tallapoosa ;

An act to divorce Daniel Cannon from his wife, Jane Cannon ;

An act to consolidate the offices of Tax Collector and Assessor for the county of Hancock ;

An act to divorce Thomas D. Broadway from his wife, R. Minty Broadway ;

An act to regulate the proceedings of Board of County Commissioners in the county of Clarke ;

An act to incorporate the Fulton Male and Female Academy in Dallas county ;

An act exempting citizens of the town of Columbiana, from working on public roads, except within the corporate limits thereof ;

An act to establish a Board of Physicians in the town of Newton, Dale county ;

An act to amend an act to fix the boundary line between the counties of Benton and Cherokee ;

An act to amend an act to repeal in part the patrol law, in the counties of Marshall, Cherokee, DeKalb and others ;

An act to divorce Hulda Johnson from her husband, Spencer Johnson, and other persons therein named ;

An act for the relief of Jane Cothran, of the county of Perry ;

An act to prevent the retail of spirituous or vinous liquors within one mile of Jacksonville Academy, in the county of Mobile ;

And to prevent the retailing of spirituous or vinous liquors within two miles of the school edifice known as the Marshall Institute, in the county of Mobile ;

An act to prevent the destruction of fish ;

An act to prevent more effectually the commission of the offences of burglary and theft in this State ;

An act to prevent the sale of spirituous liquors within one and a half miles of the lot and building known as Barnes' Store, at Pleasant Ridge, in the county of Greene ;

An act to prevent the burning of forests worked for turpentine ;

An act to authorize the administrator of R. A. M. Powell, deceased, of the county of Fayette, to sell the real estate on a longer time than one year.

Mr. Abernathy presented the petition of James B. Weatherly, administrator, with the will annexed, of L. B. Battles, deceased, which was referred to the Judiciary committee.

Mr. Gunn, from the Judiciary committee, reported unfavorably on the bill to abolish punishment by confinement in the Penitentiary, and to amend the criminal law.

The bill and report were laid on the table.

Mr. Gunn, from the same committee, reported an amendment to the bill for the relief of Wm. Norton.

The amendment was adopted, and the bill read a third time and passed.

Mr. Bradford, from committee on Banks and Banking, reported favorably on the bill for the relief of Henry M. Elmore and others.

The bill was read a third time and passed.

Mr. Bradford, from the same committee, reported adversely on the memorial of A. Davis.

The report and memorial were laid on the table.

Mr. Patton, from the committee on Internal Improvement, reported favorably on the bill to incorporate the Alabama Copper Mining Company.

The bill was read a third time and passed.

On motion of Mr. Jenkins,

The vote refusing to order the bill, to define the liability of Railroad Companies, to a third reading, was reconsidered, and the bill was recommitted to the Judiciary committee.

Mr. Bradford, from the committee on Banks and Banking, reported adversely to the petition of William K. Paulding.

The report was concurred in.

Mr. Gunn introduced a bill to authorize the sale of reports of the Supreme Court of Alabama, which was read the first and second times and referred to the Judiciary committee.

Mr. Patton introduced a bill to amend an act to incorporate the North Alabama Telegraph Company, which was read the first, second and third times forthwith and passed.

The bill further defining the liabilities of steambot owners and officers, was taken from the table.

Mr. B. F. Wilson moved to amend by an engrossed ryder, which was read the first and second times and adopted, and the bill laid on the table.

Mr. Jenkins introduced a bill to exempt certain persons from working on roads, which was read first and second times and referred to the committee on Roads, Bridges and Ferries.

Mr. Taylor introduced a bill to facilitate the taking of appeals to the Supreme Court, which was read the first and second times and referred to the Judiciary committee.

The apportionment bill being the special order, was taken up.

Mr. Brindley moved to postpone the consideration of the bill until 3 o'clock, P. M., which was lost.

Mr. Cocke moved to strike out the word "three," after "Coosa," and insert the word "two" after "Bibb," which was lost.

Yeas 6; nays 18.

Those who voted in the affirmative, are:

Messrs. Baker, Cocke, Gunn, H. C. Jones, Prince and Taylor.

Those who voted in the negative, are:

Messrs. President, Abernathy, Acklin, Bacon, Bradford, Brindley, Felder, Hobdy, Jemison, E. P. Jones, Lamar, Malone, Nelson, Patton, Peterson, Powell, Thomas Wilson and B. F. Wilson.

The bill was read a third time, under a suspension of the rule, and passed.

Message from the House by Mr. Chapman:

Mr. President:

The House has originated and passed bills entitled as follows:

An act to make the Circuit Court Judges rotate throughout the State;

An act to authorize one and the same person to hold the office of Judge of Probate and Clerk of the Circuit Court of the county of Monroe ;

An act to authorize Thomas C. Brown to practice law in the several courts of this State :

An act to retake testimony of witnesses in certain cases;

An act authorizing the garnishment of private corporations;

An act for the protection of public inn-keepers.

The House has concurred with the Senate to bills, which originated in the House, entitled :

An act for the relief of William Lecroy, of Coosa county ;

An act to incorporate the Commercial Bank of Alabama ;

An act to incorporate the Elba Insurance Company, of Coffee county, Alabama.

The House has also originated and passed a bill entitled :

An act for the further security and protection of the State in Railroad loans ;

Also, joint resolutions providing for the call of a convention.

The House has passed Senate bills entitled :

An act to amend an act to authorize the holding of additional terms of the Chancery Court in Cherokee, Benton and Talladega counties, approved 17th February, 1854;

An act to repeal all laws and parts of laws incorporating the town of Russellville, in the county of Franklin ;

An act for the relief of Obediah Milner, of Tallapoosa county.

Mr. Baker introduced joint resolutions, requesting the Supreme Court to furnish an opinion as to the constitutionality of putting into circulation the notes of Bank of the State of Alabama and its Branches, which was read the first time and made the special order for Monday next, 12 o'clock, M.

Mr. Cocke introduced a bill to incorporate the Lumber Steam Mill Company, which was read first and second times and referred to the committee on Internal Improvement.

Mr. Brindley introduced a bill to publish the liabilities of the Bank of the State and Branches, which was read the first and second times and referred to the committee on Banks and Banking.

The joint resolutions in regard to slavery, foreign immigration, &c., were made the special order for Monday next, 12 o'clock, M.

The bill to close the remaining business of the State Bank and Branches, was made the special order for to-morrow at 11 o'clock.

The bill to render more effectual the system of Free Public Schools in this State, was laid on the table.

The bill providing for the survey of a central route from North to South Alabama, was made the special order for tomorrow, half past 10.

The bill to amend section 189 of the Code, was read the third time and passed.

Message from the House by Mr. Chapman :

Mr. President :

The House has passed Senate bills entitled :

An act to authorize C. W. Cottingham, of Lowndes county, to make out and establish a new docket, and for other purposes;

An act to authorize the Judge of the Probate Court of Madison county to grant letters testamentary to Matthew V. L. McClelland, notwithstanding he is a non-resident, on the estate of his brother, James J. McClelland, late of said county.

The House has concurred in the Senate amendment to House bills entitled :

An act to change the mode of assessing the tax of Butler county ;

An act to authorize Justices of the Peace to have certain attachments executed ;

An act for the benefit of L. H. Dickerson ;

An act to consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county ;

An act to more effectually secure subordination among slaves by requiring the owner or overseer to reside with them.

Mr. Kimball, from the committee on Enrolled Bills, reported as oorrectly enrolled :

An act to change the manner of appointing overseers on roads in Macon and Walker counties ;

An act authorizing the Commissioners' Court of the county of DeKalb to reconvey land in a certain case ;

An act authorizing Susan Lee to erect two gates on the Pickens Ferry and Livingston road ;

An act to repeal act therein named ;

An act to compensate Stephen M. Swain, of the county of Mobile ;

An act to provide for the payment of Jurors in Choctaw county ;

An act to incorporate the Spring Hill Male and Female Academy, in Marengo county ;

An act for the relief of Obediah Milner, of Tallapoosa county ;

An act to repeal all laws and parts of laws incorporating the town of Russellville, in the county of Franklin ;

An act to change the time of holding the Chancery Court in Wilcox county ;

An act to authorize the Mississippi, Gainesville and Tuskalooosa Railroad Company to issue mortgage bonds and dispose of the same ;

An act to incorporate the Calhoun Literary Society of Somerville, Morgan county ;

An act amendatory of an act to charter the Wills Valley Railroad Company, approved February 3, 1852 ;

An act to incorporate the Selma and Tuskaloosa Telegraph Company ;

An act to incorporate the Merchants' Mutual Insurance Company of Montgomery ;

An act to amend the criminal law ;

An act to regulate the number of Grand Jurors in the county of Marion ;

An act to amend the road laws in the county of Cherokee ;

An act to incorporate the Commerce Street Hotel Company of Montgomery ;

An act to legalize the proceedings of the Commissioners' Court of Choctaw county, and for other purposes ;

An act to change the time of holding the Winter term of the Chancery Court of Cherokee county ;

An act to remove the administration of the estate of R. L. Scott, late of Texas, deceased, from the county of Autauga to the county of Montgomery.

And the Senate adjourned until half past 3 o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate proceeded to consider the message from the House refusing to concur in the amendment of the Senate to the resolution of the House, proposing that the two Houses adjourn *sine die* on the 15th February, instant.

The Senate receded from the amendment and concurred in the resolution of the House.

Mr. Acklin, from the Judiciary committee, to whom was referred a petition on that subject, reported a bill to prevent the retailing of spirituous or vinous liquors in two miles of Dog River Factory.

The bill was read the first, second and third times and passed.

Mr. Gunn from the Committee on Propositions and Grievances, reported favorably on the bill for the relief of S. M. Ingersoll, of Russell county.

The bill was read a third time and passed.

Mr. Patton, from the committee on Internal Improvement, reported favorably on the bill to incorporate the Clayton Branch of the Mobile and Girard Railroad, which was read a third time forthwith and passed.

Mr. Acklin, from the Judiciary committee reported unfavorably on the bill to insure the proper payment of State's witnesses in Chambers county.

The report was concurred in.

Mr. Felder introduced a bill to amend an act therein named, so far as relates to Autauga county, which was read first, second and third times forthwith and passed.

The Senate proceeded to consider the special order, it being the bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches now in the Treasury.

The question pending on the substitute heretofore offered by Mr. Baker,

Mr. Baker moved to amend the substitute.

Mr. Jemison moved to refer the bill and amendment to the committee on Finance, which was lost.

Yeas 14 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Cocke, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Felder, Gunn, Hobdy, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor and B. F. Wilson.

Mr. Taylor moved to reconsider the vote just taken, which was carried.

Yeas 16 ; nays 10.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Hewlett, Hobdy, Jemison. H. C. Jones, Lamar, Malone, Nelson, Patton, Taylor and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Felder, Gunn, E. P. Jones, Peterson, Powell, Searcy and B. F. Wilson.

Mr. Jemison moved to refer the bill to the committee on Finance, with instructions to report on Monday evening or Tuesday morning next, at farthest, which was carried.

Yeas 16 ; nays 11.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Cocke, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Taylor and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Felder, Gunn, E. P. Jones, Kimball, Peterson, Powell, Searcy and B. F. Wilson.

The bill to repeal section 110 of the Code, and other laws in reference to duelling oaths, was read a third time and passed.

Yeas 16 ; nays 8.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Bethea, Bradford, Brindley, Felder, Gunn, Hewlett, Hobdy, H. C. Jones, E. P. Jones, Nelson, Peterson, Powell, Searcy and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Baker, Jemison, Lamar, Malone, Patton, Taylor and Wilson of Jackson.

The bill to make compensation for arresting criminals, was read a third time and passed.

Yeas 14 ; nays 9.

Those who voted in the affirmative, are :

Messrs. Abernathy, Bacon, Baker, Bethea, Brindley, Felder, Hobdy, Jemison, E. P. Jones, Nelson, Peterson, Powell, Searcy and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Bradford, H. C. Jones, Lamar, Malone, Patton, Taylor and Thos. Wilson.

The bill for the relief of Sarah Ann Clark, of Morgan county, and others, was read a third time and passed.

Yeas 17 ; nays 7.

Those who voted in the affirmative, are :

Messrs. Ashley, Baker, Bethea, Bradford, Cocke, Gunn, Hewlett, Hobdy, E. P. Jones, Kimball, Lamar, Malone, Nelson, Peterson, Powell, Searcy and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Brindly, Felder, Jemison, Patton and Taylor.

On motion of Mr. Cocke,

The Senate adjourned until to-morrow morning 10 o'clock.

Yeas 15 ; nays 10.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Ashley, Bethea, Bradford, Cook, Gunn, Hewlett, Jemison, H. C. Jones, Kimball, Nelson, Taylor, Thos. Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Baker, Brindley, Felder, Hobdy, E. P. Jones, Lamar, Patton, Peterson, Powell and Searcy.

The Senate then adjourned until to-morrow morning 10 o'clock.

FEbruary 2, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Mr. Kimball reported as correctly enrolled :

An act authorizing the dismissal of suits in Chancery in vacation ;

An act to authorize the Comptroller of Public Accounts to purchase a fire proof safe ;

An act to divorce Susannah Caple from her husband, Samuel Caple, and other persons therein named ;

An act to repeal an act, relative to Justices Courts, and for other purposes in certain counties therein named ;

An act to incorporate the Pickens and Noxubee, Mississippi, Railroad Company ;

An act for the relief of Hosey Lecroy, of Coosa county ;

An act to authorize the Commissioners Court of Pike county, to appoint one or more Assistant Surveyors in said county ;

An act to reduce the compensation of the Commissioners of Roads and Revenue in the county of Cherokee ;

An act to incorporate the Planters' Factory, at Autauga-ville ;

An act to authorize the election of an additional Constable in Beat No. 6, in Coffee county.

The Senate proceeded to the consideration of the special order, it being the bill providing for the survey of a central route from North to South Alabama.

The further consideration of the bill was postponed until Monday next, half past 3 o'clock, p. m. and made the special order for that hour.

Mr. Malone, from committee on Sixteenth Sections, reported favorably on the bill to authorize the Governor to issue certain sixteenth section patents therein named.

The bill was read a third time and passed.

Mr. Searcy, from the committee on Public Bridges and

Ferries, reported favorably on the bill to exempt certain persons from working on public roads.

The bill was read a third time and passed.

Mr. Jones of Fayette, from committee on County Boundaries, reported against the petition of James G. Williamson and others, praying an alteration in the boundary line between the counties of Greene and Pickens.

The report was concurred in.

Mr. Brindley reported the bill in relation to hunting wild hogs in Marengo and other counties, with an amendment and recommended its passage.

The amendment was adopted.

Mr. Bradford moved to strike out "Talladega."

Carried.

The bill was ordered to a third reading.

Mr. Patton reported favorably on the bill for the relief of the Central Plank Road Company.

The bill was ordered to a third reading.

Message from the House by Mr. Elmore.

Mr. President:

The House has originated and passed a bill to change the time of holding the Chancery Courts for the counties of Lawrence and Lauderdale.

Mr. Bethea, from Finance committee, reported favorably on the bill to repeal in part section 939 of the Code, in relation to licensing auctioneers, so far as the same relates to the county of Tuscaloosa, with an amendment.

The amendment was adopted and the bill read a third time forthwith and passed.

The bill to change the time of holding the Chancery Courts in the counties of Lawrence and Lauderdale, was read first, second and third times forthwith and passed.

Mr. Prince introduced a bill to incorporate the Belmont Male and Female Academy, which was read first, second and third times forthwith and passed.

Mr. Prince also introduced a bill for the relief of John W. Weston, which was read first, second and third times forthwith and passed.

The following resolution, heretofore offered by Mr. Searcy, was adopted:

Resolved, That from and after Saturday next, there shall be no new business presented to this Senate.

The House bills—

In relation to the rights and liabilities of Rail Road Companies incorporated under the laws of this State;

To enable Silas Morphew, of Walker county, to erect a dam therein named ;

For the relief of Wm. Head, of Barbour county ;

Were severally read a third time and passed.

The House bill making appropriations for the fiscal years, 1856 and 1857, was read first and second times and referred to the committee on Finance.

The House bill for the further security and protection of the State in Railroad loans, was read first and second times and referred to the committee on the Judiciary, with instructions to report on Monday next.

The House bill to change the name of Sarah Cone, was read first, second and third times forthwith and passed.

The House bill to prevent the sale of ardent spirits in Pine Level Beat, in Montgomery county, was indefinitely postponed.

The House bill for the benefit of Sumter county, was read the first time and ordered to a second reading.

The House bill to change the time of holding the next Spring term of the Circuit Court of Talladega county, was read the first and second times.

Mr. Bradford moved to strike out the word "four," before "weeks," and insert "three."

The bill was read a third time and passed.

The House bill to authorize Thomas C. Brown to practice law in the several Courts of this State, was read the first, second and third times and passed.

The House bill to make the Circuit Court Judges rotate throughout the State, was read first and second times and referred to the Judiciary committee.

Message from the Governor by Mr. Catlin.

Mr. President :

His Excellency, the Governor, returns to the Senate, where it originated, without his approval and accompanied with his objections thereto, a bill to make an appropriation for the completion of the Alabama Insane Hospital, as follows :

EXECUTIVE DEPARTMENT, }
February 2, 1856. }

To the Senate :

I return to the Senate, without my approval, "a bill to be entitled an act making an appropriation for the completion of the Alabama Insane Hospital."

The bill proposes to appropriate one hundred and fifty thousand dollars, out of an already exhausted treasury, to

carry on and complete the work. The only source from which this large sum of money can come is taxation of the people. Being acquainted with the views and anticipations of those who originally passed the act for the endowment of this institution, I feel warranted in asserting that the fund then appropriated has been most shamefully perverted by those who have had the management of the planning of the building and the expenditure of the appropriation; and that the policy of endorsing and approving that mal-administration by the Legislature is unwise and unjust to those who have the burden to bear. It would be more proper to discontinue the construction of a building of such an expensive character to a period when the finances of the State are in a better condition, and the people a little relieved from the present amount of taxation.

Little reliance is to be placed in the estimates of interested parties, in regard to the cost of public buildings. We have constant evidence of this, in the construction of buildings of this sort in other States, as well as in Alabama, and the faithlessness of those who have the planning of the work and the outlay of the funds. It would be only charitable to conclude that they should be first occupants of an institution of this sort.

It is not improper, before making further heavy appropriations for the purpose contemplated by this bill, to consider other sums will be essential to carry out this grand scheme of extravagance, or to carry the establishment into effect on the scale now adopted. Large sums will be required to furnish the building with proper furniture and for the proper enclosure of the grounds, and to carry out the details of the institution. Large annual appropriations will be indispensable. I submit it to the consideration of your honorable body, as a common-sense proposition, if it would not be proper to consider the question of discontinuing a building likely to be so costly, and commence one on a less architectural display and equally suited to the purpose of public charity? The question of a proper selection of location for the attainments of the ends proposed, is one of the greatest importance; for if the indispensable requisites, for a restoration of the mind diseased, are wanting in the present location, the institution must be a failure, and the money now proposed to be appropriated, as well as that already given, (worse than thrown away) but few, if any, of the requisites for an insane asylum are to be found at the present location, if those who have been treated on the subject, as authority to be respected, know any-

thing on the subject. The location is accessible neither by railroads or navigable streams, and only with delay and fatigue in any other manner. That it is in a place of great salubrity or healthfulness, I think will hardly be asserted with any regard to a true history of the past.

The want of hotels for the accommodation of those who will be compelled to attend the inmates of the asylum, is also a consideration against the locality. These difficulties have already been experienced as serious drawbacks on the prosperity of the University of the State, and will doubtless, ere long, impress the fact of our unfitness of location upon those who will hereafter have the success of that institution more at heart than seems to be the case with any portion of the people at this time.

The Insane Hospital, at its present site, can never, in view of these facts, succeed. We may expend half a million of dollars in its construction, but it will never be fully occupied except by bats and owls.

I am fully aware that I may be subjected to misrepresentation and detraction for the course I feel impelled by a sense of duty to pursue in this matter, but I am not to be deterred from it thereby, nor by the insane clamors of some of those interested and the growls of others. I asserted, in terms not to be mistaken, to the people of the State, the course I should pursue in this matter, and they approved of my position. In defence of the public treasury, I cannot but withhold my approval to this appropriation.

Respectfully,

JOHN A. WINSTON.

The bill passed notwithstanding the veto.

Yeas 19 ; nays 9.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Hewlett, Jemison, Jones of Franklin, Kimball, Lamar, Nelson, Patton, Peterson, Powell, Prince, Taylor and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. President, Bacon, Brindley, Felder, Hobdy, Jones of Fayette, Malone, Searcy and Wilson of Jackson.

The House bill for the protection of public inn-keepers, was read first, second and third times forthwith and passed.

Yeas 12 ; nays 8.

Those who voted in the affirmative, are :

Messrs. Ashley, Baker, Bethea, Cocke, Malone, Nelson, Patton, Peterson, Powell, Prince, Taylor and Wilson of P.

Those who voted in the negative, are :

Messrs. Abernathy, Bradford, Brindley, Felder, Hobdy, Jones, Jones of Fayette and Wilson of Jackson.

The House bills—

Authorizing the garnishment of private corporations ;

To retake the testimony of witnesses in certain cases ; and,

Joint resolutions of the General Assembly, providing for the call of a convention ;

Were severally read the first and second times and referred to the Judiciary committee.

The House bill to authorize one and the same person to hold the office of Judge of Probate and Clerk of the Circuit Court of Marion county, was read first, second and third times forthwith and passed.

The House bills—

To amend an act entitled an act to incorporate the Græf-fenberg Medical Institute ;

To amend an act entitled an act, to incorporate the University at Greensboro', and for other purposes ;

To amend an act to incorporate the Alabama and East Tennessee Railroad ;

For the relief of the administrator of Thomas S. Mays and others ;

Were severally read the first time and ordered to a second reading.

The Senate then adjourned until Monday morning, 10 o'clock, P. M.

FEBRUARY 4, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Message from the House by Mr. Chapman.

Mr. President :

The House has passed Senate bills entitled as follows :

To repeal section four of an act to amend an act to incorporate the Coosa and Chattooga River Railroad Company ;

To amend the charter of the West Point, Georgia and Tennessee River Railroad Company.

The House has originated and passed bills entitled as follows :

To make the practice of Judges of Probate in this State uniform ;

To increase the license to sell ardent spirits within three miles of the corporate limits of the city of Montgomery ;

To render more efficient the system of Free Public Schools in this State ;

To regulate the fees for marriage license in Benton county ;
 To amend an act therein named, so far as relates to Autauga county ;

For the relief of Calvin A. Crow and Allen W. Nixon, of St. Clair county ;

To authorize Robert A. Witter to practice law in certain courts in this State.

Mr. President (Mr. Acklin in the chair) presented the account of Andrew Poorer, which was referred to the committee on Accounts.

Mr. Bethea, from the committee on Finance, to whom was referred the report of the Superintendent of Education, reported the same back to the Senate as having been improperly referred, and recommended its reference to the committee on Accounts.

The report was concurred in.

Mr. Bethea, from same committee, reported adversely to the bill to provide for the better regulation of the times for the assesment and collection of the taxes in this State.

Mr. Bethea also reported adversely to the bill to establish an additional Judicial Circuit, &c.

The report and bill were both laid on the table.

Mr. Thomas Wilson, from the committee on Accounts, reported favorably on the bill for the relief of Jeannett C. Todd, of the county of Clarke.

Mr. Wilson also reported favorably on the bill to compensate John R. Robertson and George W. Carriker of Barbour county, which were severally read the third time and passed.

Mr. Thomas Wilson, from the same committee, reported favorably on the bill to compensate Surgeons and Physicians in certain cases.

The bill was ordered to a third reading.

Mr. Taylor, from the Judiciary committee, reported unfavorably on the bill to enlarge the general law on incorporations.

The report was concurred in.

Mr. Taylor moved to reconsider the vote just taken.

Mr. President moved to postpone that motion until to-morrow, half past 10 o'clock.

Mr. E. P. Jones, from the Judiciary committee, reported unfavorably on the bill for the protection of mechanics.

Mr. Patton moved to lay the report on the table.

The Senate refused to order the bill to a third reading.

Yeas 6 ; nays 19.

Those who voted in the affirmative, are :

Messrs. Ashley, Bradford, Gay, Jenkins, Jones of Franklin and Webb.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Baker, Bacon, Bethesda, Brindley, Cocke, Felder, Hobdy, E. P. Jones, Nelson, Patton, Peterson, Powell, Searcy, Taylor, Thos. Wilson and B. F. Wilson.

Mr. Kimball reported as correctly enrolled :

An act for the relief of Henry M. Elmore and others ;

An act to incorporate the Commercial Bank of Alabama ;

An act to amend the charter of the West Point, Georgia and Tennessee River Railroad Company ;

An act for the relief of Jane Cothran, of Perry county ;

An act to consolidate the offices of Tax Collector and Assessor of the county of Hancock.

Message from the Governor by Mr. Catlin :

EXECUTIVE DEPARTMENT, }
February 4, 1856. }

To the Senate :

The bill to be entitled "an act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville," approved February 17, 1854, proposes to make an important change in the principle of banking in this State, of a most dangerous character, so far as the circulation of bank notes is concerned, and to allow the Bank very extraordinary privileges. It proposes no less than to bank upon a paper currency, not redeemable at the counter of the Bank, nor at any other point within the jurisdiction of the State, if, indeed, any where. One of the most cogent and forcible reasons advanced in favor of the creation of Banks in Alabama, and particularly in the case of the Northern Bank, located at Huntsville, was that it was indispensibly necessary to protect the public, in that part of the State, from the spurious currency of other States, and to have a sound specie paying Bank located there to regulate the currency and to drive out the wild cat paper of other States, about which we necessarily knew nothing, and over which the State had no control.—The extraordinary proposition is now made to allow this incorporation to re-issue and pay out this very foreign currency, of which it was to free the currency ; that it was to bank upon foreign bills and not upon its own bills, redeemable at its counter. The practical effect would be, that the notes of the Northern Bank could be exchanged for the notes of the Banks

of other States, made to circulate abroad, and none of the contracting parties be made to keep on hand coin to redeem the notes upon which they operate in discount of paper or in transactions of exchange, thus preventing its operation of legitimate banking to a mere agency for the Banks of other States, and making it, in fact, a shaving shop, rather than a sound specie paying Bank. By being allowed to deal in a depreciated foreign paper currency, this Bank, in its exchange operations, would be enabled to make usurious interest, as also in other transactions, and whilst furnishing only a spurious currency, be placed on a better footing than any other Bank in the State on the failure of any of the foreign Banks whose notes this Bank will have issued. It will not be bound to receive the first dollar of them in payment of the individual notes discounted. This is one of the mysteries and beauties of banking and of a better currency of which the quondam, hard-money democracy might well pray to be delivered.—That constant habit now so popular of altering and amending charters of corporations, after they have once been adopted, is a most dangerous policy. Charters for Banks and Railroads are generally guarded in their provisions when first adopted, and secure protection to the public and individuals against injustice and wrong; but frequent alterations and amendments, without the greatest attention on the part of the Legislature—which special legislation does not always receive—remove the safeguards, and leave the public and individuals at the mercy of the soulless corporations that are constantly applying for an increase of power. Bank charters being once granted, though stringent in their provisions, are readily accepted, because it is an easy matter to have passed afterwards as unimportant, without much security or enquiry, amendments that materially effect or lessen their stringency—especially is this the case in this day of corporation supremacy.

The Bank of Mobile and Southern Bank asked for no such bastard privileges. These notes are equivalent to gold and silver all over the State, and their stock far above the value of the Northern Bank—the notes of which are at a heavy discount. To secure the advantages of a sound and convertible currency, it becomes to hold Banks rigidly to the times of their charters, and not after they have power and influence to permit any relaxation of the most stringent regulations. The country is now fast approaching a crisis in the affairs of Banks, and it should become us to tighten rather than to loosen the reins of banking.

The act of the 17th February, 1854, containing this same

provision, which was to last for a period of two years, only without renewal, was approved in the hurry of business, and not particularly noticed. It was a most unwise measure and should not be continued. No such scheme can receive my approval.

Respectfully,

JOHN A. WINSTON.

The House bill for the relief of Calvin A. Crow and Allen W. Nixon, of St. Clair county, was read first and second times and referred to the committee on Accounts.

Mr. Brindley, from the committee on Accounts, reported favorably on the bill for the relief of William DeWitt, of Barbour county, with an amendment thereto, which was adopted and the bill read the third time and passed.

Mr. Brindley, from same committee, reported favorably on the bill to compensate Thomas S. Locke, with an amendment thereto, which was adopted and the bill read the third time and passed.

Mr. Peterson introduced a bill to prohibit the sale of spirituous liquors or wines, within one mile of Fort Browder Academy, in Barbour county.

The bill was read the first, second and third times and passed.

Mr. Bacon introduced a bill to elect a public printer, which was read the first time and ordered to a second reading.

Mr. Brindley introduced a bill to complete the Tract Books in the Comptroller's office, which was read the first and second times and referred to a select committee, consisting of Messrs. Brindley, H. C. Jones and Baker.

Mr. Acklin, from Judiciary committee, reported unfavorably on the following bills:

To extend the time of issuing executions from the Circuit Court of Shelby county ;

To facilitate the taking appeals to the Supreme Court ;

Also, on the petition of L. C. Hopkins and others ;

Also, on a resolution requesting said committee to enquire into the expediency of changing and modifying sundry sections of the Code.

The reports were severally concurred in.

The special order being the bill to provide for closing the remaining business of the State Bank and Branches, was made the special order for to-morrow at 11 o'clock, A. M.

Another special order being the bill to repeal an act entitled an act to create a Clerkship in the Comptroller's office, was made the special order for 12 o'clock, Wednesday.

Another special order being the joint resolutions requesting the Supreme Court to furnish an opinion as to the constitutionality of again putting in circulation the notes of the Bank of the State of Alabama and its Branches.

The Senate refused to order them to a second reading.

Yeas 11 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Baker, Cocke, Gay, Jenkins, Kimball, Peterson, Powell, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Bethea, Bradford, Brindley, H. C. Jones, E. P. Jones, Lamar, Malone, Nelson, Patton, Prince, Searcy, Taylor and Thos. Wilson.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed a bill for the relief of Richard R. Harrison, and other persons therein named, of Autauga county.

The House has also adopted a joint memorial of the Senate and House of Representatives of the General Assembly of the State of Alabama, to the Congress of the United States.

The special order, it being the bill to aid the Alabama Medical College, was postponed until Wednesday, at 11 o'clock, A. M.

Another special order, being the joint resolutions upon the present condition of public affairs, was postponed until tomorrow, at 12 o'clock, M.

The House bill in relation to hunting wild hogs in Marengo and other counties therein named, and for the relief of the Central Plank Road Company, were severally read the third time and passed.

The House bill, for the relief of the administrator of Thos. S. Mays and others ;

And to amend an act entitled an act to incorporate the Graeffenberg Medical Institute ;

Were severally read the second time and ordered to a third reading.

The House bills—

For the benefit of Sumter county ;

And to amend an act entitled an act to incorporate the Southern University, at Greensborough, and for other purposes ;

Were severally read the second time and referred to the Judiciary committee.

The bill to incorporate the Alabama and East Tennessee

Railroad Company, was read the second and third times and passed.

The House bills—

To make the practice of the Probate Judges in this State uniform ;

And to regulate marriage license in Benton county ,

Were severally read the first and second times and referred to the Judiciary committee.

The House bills—

To authorize Robert B. Witter to practice law in certain Courts in this State ;

To increase the license to sell ardent spirits within three miles of the city of Montgomery ;

And for the relief of Richard R. Harrison and other persons therein named, of the county of Autauga ;

Were severally read first, second and third times and passed.

The joint memorial of the Senate and House of Representatives of the General Assembly to the Congress of the United States, was read the first, second and third times and passed.

The bill to amend an act therein named, so far as relates to Autauga county, was read the first and second times and ordered to a third reading.

The House bill to render more efficient the system of Free Public Schools in the State of Alabama, was read the first and second times and made the special order for to-morrow, half past 3 o'clock, P. M.

On motion of Mr. Cocke,

The House bill constituting George W. Rodgers a liner, &c., was taken from the table.

The Senate refused to pass the bill.

Mr. Patton introduced a joint resolution authorizing the State Treasurer to use and pay out the notes of the State Bank and Branches, which was read the first and second times and made a special order for to-morrow, 12 o'clock, M.

The Senate adjourned until to-morrow, 10 o'clock, A. M.

FEBRUARY 5, 1856.

The Senate met pursuant to adjournment.

Mr. Acklin, from Judiciary committee, reported favorably on the bills :

To retake the testimony of witnesses in certain cases ;

Authorizing the garnishment of private corporations ,

Which were severally read the third time and passed.

Mr. Acklin, from same committee, reported favorably on the bill :

For the further security and protection of the State in Railroad loans.

The bill was read the third time and passed.

Yeas 27 ; nays 1.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Baker, Bradford, Brindley, Cocke, Felder, Gay, Hobdy, Jemison, Jenkins, H. C. Jones, Lamar, Malone, Nelson Patton, Peterson, Powell, Searcy, Taylor, Webb, Thomas Wilson and B. F. Wilson.

Mr. Bethea voted in the negative.

Mr. Acklin, from same committee, reported against the petition of James B. Weatherly, administrator, with the will annexed, of the estate of L. B. Battles, deceased.

The report was concurred in.

The House bill constituting George W. Rodgers a linér, &c., was taken from the table and placed among the general orders.

Mr. Patton, from the committee on Internal Improvement, to which was referred a memorial of L. C. Garland, President, and others, Directors of the North East and South West Railroad Company, reported said memorial back to the Senate, and asked to be discharged from its further consideration.

The report was concurred in.

On motion to reconsider the vote refusing to order the bill to enlarge the general law of incorporations, being the special order for half past 10 o'clock, to-day, was postponed until to-morrow half past 10 o'clock.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled :

An act to amend an act entitled an act to incorporate the Coosa and Chattooga River Railroad Company ;

An act to consolidate the offices of Judge of Probate and Clerk of the Circuit Court of Baldwin county ;

An act for the relief of William Head, of Barbour county ;

An act to authorize Justices of the Peace to have certain attachments executed ;

An act for the benefit of L. H. Dickerson ;

An act to authorize Thomas C. Brown to practice in the several Courts in this State ;

An act the more effectually to secure subordination among slaves by requiring the owner or overseer to reside with them.

An act to enable Silas Morphew, of Walker county, to erect a dam therein named ;

An act to change the time of holding the Chancery Courts of Lawrence and Lauderdale counties ;

An act for the relief of M. B. Breedlove ;

An act to amend an act, approved February 15, 1854, and to extend the jurisdiction of the Probate Courts in the several counties in this State ;

An act to change the name of Sarah Cone ;

An act to incorporate the Alabama Copper Mining Company ;

An act to authorize one and the same person to hold the office of the Judge of Probate and Clerk of the Circuit Court in the county of Marion.

A message from the House by Mr. Elmore :

Mr. President :

The House has originated and passed a bill of the following title :

To reclaim swamp and overflowed lands within this State.

A message from the Governor by Mr. Catlin :

EXECUTIVE DEPARTMENT, }
February 5, 1856. }

To the Senate :

The bill to be entitled "an act to make a loan to the Alabama and Mississippi Rivers Railroad Company," is liable to all the objections urged against the loans to other roads, which I have endeavored to present to your honorable body.

The large sums already appropriated from the public treasury will have so depleted it as to make it improper to make other drafts on it. Sums necessary to carry on the affairs of the State government will necessarily be, for a time, lying in the treasury, which, by this act, will be liable to be paid out on the demand of the Company. The receipts, in all human probability, will be mainly in the notes of defunct Banks, so that the State will be in most straightened circumstances to pay the interest on foreign debt. If this free system of loans is continued, there will really be no money in the treasury to meet the demands of the bill. Besides, as another objection to this loan provided for by this bill, it is intended to be made on a debt due from another Railroad Company, which may not be met at maturity—the payment of which may be contested and long delayed by litigation.

If there is any certainty about the payment of the debt by the Montgomery and West Point Railroad Company, let the

Company now seeking this loan, borrow from others by pledging the money now in the hands of the Montgomery and West Railroad Company.

This Alabama and Mississippi Rivers Railroad is but a neighborhood road, except in name, and less than thirty miles in extent. It has already been the recipient of more State aid than any other in the State.

For these, and the general objections already presented for loans heretofore made, I decline to approve this bill ; and again urge upon the legislative department the danger of entirely exhausting the means of the State by measures of this kind.

Respectfully,

JOHN A. WINSTON.

The Senate proceeded to the consideration of the special order, it being the bill providing for the survey of a central route from North to South Alabama.

Mr. Powell moved to amend as follows :

“ *Provided*, That the route to be surveyed shall commence at some suitable point on the Tennessee river and run via Wetumpka to Montgomery.”

Mr. Malone moved to lay the amendment on the table, which was lost.

Yeas 13 ; nays 15.

Those who voted in the affirmative, are :

Messrs. Acklin, Baker, Bethea, Brindley, Cocke, Jemison, H. C. Jones, Kimball, Malone, Nelson, Patton, Prince and Taylor.

Those who voted in the negative, are :

Messrs. President, Abernathy, Ashley, Bacon, Bradford, Felder, Gay, Hobdy, Jones of Fayette, Lamar, Peterson, Powell, Searcy, Webb and Wilson of Jackson.

The amendment was adopted.

Yeas 15 ; nays 13.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Ashley, Bacon, Bradford, Felder, Gay, Hobdy, Jones of Fayette, Lamar, Patton, Peterson, Powell, Searcy and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Acklin, Baker, Bethea, Brindley, Cocke, Jemison, Jones of Franklin, Kimball, Malone, Nelson, Prince, Taylor and Webb.

Mr. Malone moved to amend as follows :

After section first, add the following: “ *Provided*, That said route shall not terminate at the Tennessee river within ten miles of the present terminus of the Coosa and Tennes-

see River Railroad, unless the route of said road be adopted."

The Senate then adjourned until half past three o'clock,
P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The question pending, being the amendment heretofore offered by Mr. Lamar to the bill providing for the survey of a central route from North to South Alabama.

On motion of Mr. Malone,

The consideration of the bill was postponed and made the special order for to-morrow, 11 o'clock.

Mr. President laid before the Senate the following communication from the Governor :

EXECUTIVE DEPARTMENT, }
February 4, 1856. }

To the Senate

I herewith communicate a notice from the lessees of the Penitentiary of the escape of a convict from the Penitentiary.

In my message at the opening of the session, I conceived it to be my duty to call the attention of the Legislative department to the necessity of the passage of some act to meet such cases, both in the matter of the apprehension of the fugitive as well as the expense of such means as may be taken to secure that end.

Until there is further legislation on the subject, I presume the efforts to secure a re-apprehension will end with that an escape has taken place ; and that those who, from negligence or design, have permitted it, are quite unable to account in what manner it happened.

There being no authority for offering a reward by the State for the re-taking of fugitives, either from the State prison or county jails, the frequent escapes which occur are about equal to the acquittals.

JOHN A. WINSTON.

The special order being the bill to provide for the closing of the remaining business of the State Bank and Branches, and for other purposes, was postponed until to-morrow, 10 o'clock.

The joint resolutions authorizing the State Treasurer to use and pay out the notes of the State Bank and Branches, was laid on the table.

The special order, it being the bill to render more efficient the system of Free Public Schools in the State of Alabama, being under consideration,

Mr. Felder moved to amend as follows: "By striking out 'six' where it occurs in the tenth line on the second page, with a view of inserting 'eight.'"

Mr. Patton moved to lay on the table.

Lost.

Yeas 8 ; nays 13.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Ashley, Brindley, Gay, Hewlett, Patton and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. President, Bacon, Cocke, Felder, Hobdy, Jones of Fayette, Nelson, Peterson, Prince, Searcy, Taylor, Webb and Wilson of Pickens.

The amendment was adopted.

Mr. Felder moved to amend as follows :

"Strike out after the word 'dollars,' in section one and seventh clause of article one, the words 'after the same shall have declared dividends.'"

Mr. Malone moved to lay on the table.

Yeas 15 ; nays 6.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Brindley, Cocke, Gay, Hobdy, Jones of Franklin, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Baker, Felder, Jones of Fayette, Powell, Searcy and Webb.

Mr. H. C. Jones moved to strike out seventh clause of section one, article one, which was lost.

Mr. Taylor moved to amend by inserting after the word "shall," in the fourth clause of section one, article one, the words "together with the fund set apart by this act," which was adopted.

Mr. President moved to amend as follows :

After the tenth clause in section one, article one, add the following : "11th. All sums received now or to be hereafter received from mining capital."

Mr. H. C. Jones moved to strike out fourth clause, section ten, which was lost.

Mr. Patton moved to insert before superintendent the word "State," in section eleven, article two, and after the word "education" add the words "and also the superintendent of said county."

Mr. President moved to strike out the word "except" and insert "accept," in section eleven, article two.

And the Senate adjourned until to-morrow morning, 10 o'clock.

FEBRUARY 6, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Mr. Bethea, from the committee on Finance, reported unfavorably on the House bill and the Senate substitute, to provide for the burning of certain mutilated notes of the State Bank and Branches now in the Treasury.

The bill and report were laid on the table.

Mr. Thomas Wilson, from committee on Accounts, reported unfavorably on the House bill for the relief of Calvin A. Crow and Allen W. Nixon, of St. Clair county.

Report concurred in.

Mr. Thomas Wilson, from same committee, reported against paying the account of Andrew Poor, for apprehending and prosecuting to conviction one Wade Hampton for negro stealing.

The report was concurred in.

Mr. Acklin, from the Judiciary committee, reported favorably on the House bills—

To regulate fees for marriage license in Benton county ;

For the benefit of Sumter county ;

The bills were severally read the third time and passed.

Mr. Prince, from the committee on Military, reported favorably on the bill to incorporate the Madison Rifles, together with the following amendment :

"Strike out the fourth section."

The amendment was adopted, and the bill read the third time and passed.

Mr. Acklin, from the Judiciary committee, reported favorably on the House bill for the benefit of certain persons therein named, with the following amendment :

"Strike out the allowance to M. A. Ridgeway for \$98 75, of Tallapoosa county, for medical services to prisoners in jail."

"Strike out \$148 65, allowed to William A. Mitchell for like services."

"Strike out \$99 00, allowed to L. S. Banks for arresting and guarding prisoners."

"Strike out \$28 50, allowed to James Kent for services as a guard in Morgan county."

The amendments were adopted, and the bill ordered to a third reading.

Mr. Prince, from the committee on Military, reported favorably on the bill to incorporate the Jackson Guards, in Autauga county.

The bill was read the third time and passed.

Mr. Thomas Wilson, from the committee on Accounts, reported favorably on the bill for the benefit of certain persons therein named, with the following amendments :

"In G. W. Thagard's account, strike out both allowances made, amounting to \$204 15, and insert '\$104 11' in lieu thereof."

"In John C. Henderson's account, strike out 'and \$77 21,' so that it will read '\$100.'"

"Strike out \$375 to W. B. Bell, he having been allowed the amount of his account in another bill."

"In William Eubanks' account, insert proviso : '*Provided*, that the Comptroller is satisfied that said Eubanks overpaid said sum as Tax Collector.'"

Mr. Acklin, from the Judiciary committee, to whom was referred the bill for the further security and protection of the State in Railroad loans, reported that a House bill, embracing the same subject, has passed the Senate, and that it is unnecessary to take further action on the Senate bill.

The bill and report were laid on the table.

Mr. Jemison offered the following resolution :

Resolved, That the Governor be requested, at the earliest day practicable, to communicate to the Senate any information or proof in his possession or knowledge, going to show that the fund originally appropriated for the establishment of a hospital for the insane in Alabama, "has been most shamefully perverted by those who have had the management of the planning of the building and expenditure of the appropriations," or of "the faithlessness of those who have the planning of the work and outlay of the funds," as charged in his late veto message on the bill to be entitled an act making an appropriation for the completion of the Alabama Insane Hospital, and that he also communicate the particular acts of perversion and faithlessness, and by what particular parties committed.

Mr. Bradford moved to lay the resolution on the table, which was lost.

Yeas 10 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Bacon, Bradford, Brindley,

Brindley, Felder, Jones of Fayette, Lamar, Wilson of Jackson and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Baker, Bethea, Cocke, Hobdy, Jemison, Jones of Franklin, Kimball, Malone, Patton, Peterson, Powell, Prince, Taylor and Webb.

The Senate refused to adopt the resolution.

Yeas 14 ; nays 16.

Those who voted in the affirmative, are :

Messrs. Acklin, Ashley, Baker, Bethea, Cocke, Hewlett, Jemison, H. C. Jones, Kimball, Patton, Peterson, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. President, Abernathy, Bacon, Bradford, Brindley, Felder, Gay, Hobdy, Jenkins, E. P. Jones, Lamar, Malone, Nelson, Powell, Thomas Wilson and Wison of Pickens.

Message from the Goveznor by Mr. Catlin :

EXECUTIVE DEPARTMENT, }
February 6, 1856. }

To the Senate :

I return, without my approval, the bill to be entitled " an act to authorize the conferring of diplomas at the Southern Military Academy, of Chambers county."

I presume it will not be contested that at any institution of learning, merely of a scholastic character, may grant to those who have received instruction at such institution, a certificate of the progress and advancement they have made in the sciences and branches of literature there taught. A diploma, though it may be in Latin, Hebrew, or Dutch, would be no more. As I conceive the bill confers no powers not already possessed, I can see no necessity of its becoming a law.

Respectfully,

JOHN A. WINSTON.

The bill passed notwithstanding the veto of the Executive.

Yeas 20 ; nays 3.

Those who voted in the affirmative, are :

Messrs. President, Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Cocke, Jemison, H. C. Jones, Jones of Fayette, Kimball, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Brindley, Hobdy and Thomas Wilson.

Message from the Governor by Mr. Catlin :

Mr. President :

His Excellency has approved bills, which originated in the Senate, entitled as follows :

An act to amend the charter of the West Point, Georgia, and Tennessee River Railroad Company ;

An act to prevent the destruction of fish ;

An act to repeal section four of an act to amend an act entitled an act to incorporate the Coosa and Chattooga River Railroad Company ;

An act for the relief of Obediah Milner, of Tallapoosa county ;

An act to authorize the Judge of the Probate Court of Madison county, to grant letters testamentary to Matthew V. L. McClelland, notwithstanding he is a non-resident, on the estate of his brother, James J. McClelland, late of said county ;

An act to authorize C. W. Cottingham, of Lowndes county, to make out and substitute a new docket, and for other purposes ;

An act to amend an act to authorize the holding of additional terms of the Chancery Court in Cherokee, Benton and Talladega counties, approved 17th February, 1854.

An act to repeal all laws or parts of laws incorporating the town of Russelville in the county of Franklin.

Message from the House by Mr. Chapman.

Mr. President :

The House originated and passed bills entitled as follows :

An act in relation to the duties of Grand Juries ;

An act to regulate the license of Peddlers in Chambers county ;

Act to authorize the issuance of attachments out of Chancery ;

An act for the relief of Wm. Connaway, Tax Collector of Coosa county ;

An act to regulate the distribution of property in certain cases ;

An act to make permanent the court house in Coosa county ;

An act to appoint Commissioners for the town of Warrenton, in Marshall county ;

An act to exempt Justices of the Peace and Constables from working on public roads in Randolph county ;

An act to permit Sheriffs to take bond in certain cases ;

An act for the relief of M. W. Creagh, guardian for the minor heirs of G. W. Creagh, deceased ;

To declare Luxapalila creek, in Fayette county, a public highway ;

Also, joint resolutions in relation to the loaning and appropriating money out of the public treasury.

The House has also passed Senate bills entitled as follows :

An act to incorporate Society Hill Male Academy ;

To improve the Supreme Court Library ;

Amendatory of an act to amend the act incorporating the town of Athens, approved January 15, 1828 ;

To grant the right of way to the Memphis and Charleston Railroad, to extend their road from Stevenson, in Jackson county, in this State, to the Tennessee line ;

To incorporate the Alabama Coal Mining Company ;

To authorize the Court of County Commissioners of Franklin county, to make appropriations for the relief of certain persons therein named ;

To incorporate the Alabama Slate Roofing Company ;

To amend the 17th paragraph of section 397 of the Code ;

To compensate Jurors trying the right of property before Justices of the Peace ,

An act to compell witnesses to testify in foreign suits ;

Also, a joint resolution (originating in the Senate,) of the General Assembly of the State of Alabama.

The House has also amended and passed a Senate bill entitled an act to increase the amount of tax on peddling in the county of Pike.

The House has reconsidered and passed a Senate bill entitled an act making an appropriation for the completion of the Alabama Insane Hospital, notwithstanding the Executive veto.

Mr. Baker introduced a bill to amend the act incorporating the town of Opelika.

Mr. Bradford introduced a bill to change the time of holding the Chancery Courts in the counties of Benton and Talladega.

Mr. Taylor introduced a bill for the benefit of A. P. Barry and J. P. Spencer, and their successors ;

Which were severally read the first, second and third times and passed.

Mr. Kimball reported, as correctly enrolled :

An act for the relief of Jeannette C. Todd, of Clarke county ;

The House bill for the relief of the administrator of Thos. S. Mays, and others, was read the third time and passed.

The special order, it being the bill to provide for closing the remaining business of the State Bank and Branches, and for other purposes, was postponed until to-morrow 10 o'clock, and from day to day at that hour, until disposed of.

The vote refusing to order the bill to enlarge the general law of incorporations to a third reading, was reconsidered and the bill placed among the general orders.

The Senate proceeded to the consideration of the special order, it being the bill to render more efficient the system of Free Public Schools in this State.

Mr. President moved to reconsider the vote adopting the 9th section of article second.

The vote was reconsidered.

Yeas 17 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Ashley, Bacon, Betha, Bradford, Brindley, Felder, Gay, Hobdy, H. C. Jones, E. P. Jones, Nelson, Searcy, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Baker, Cocke, Hewlett, Jemison, Malone, Patton, Prince and Taylor.

Mr. President moved to strike out " Court of County Commissioners," in section nine, article two, which was lost.

Yeas 13 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Bacon, Baker, Felder, Hobdy, Jenkins, H. C. Jones, E. P. Jones, Nelson, Peterson, Searcy, Thomas Wilson and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Ashley, Betha, Bradford, Cocke, Gay, Hewlett, Malone, Patton, Powell, Prince, Taylor and Webb.

Mr. Jemison moved to amend as follows :

Strike out all after the enacting clause, and insert " that the act establishing a system of Free Public Schools in this State approved February 15, 1851, be, and the same is hereby repealed."

Mr. Bradford moved to lay the amendment on the table, which was carried.

Yeas 22 ; nays 5.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Bradford, Brindley, Cocke, Gunn, Hewlett, Hobdy, H. C. Jones, E. P. Jones, Kimball, Malone, Nelson, Patton, Powell, Searcy, Taylor, Webb and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Betha, Jemison, Peterson, Prince and Wilson of Pickens.

The Senate adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The general orders were suspended in order to allow Mr. Bacon, from a special committee, to make a report on the bill in relation to emigration.

Mr. Bacon made the following

REPORT:

The Special committee, to whom was referred an act in relation to Kansas Emigration, have instructed me to report, that they deprecate the agitation of a question so exciting to the popular mind, so adverse to the peace, quiet and harmony, which should characterise the united interests of our government. The relations which ought to exist between the several States of this republic should be known as ties of brotherly unity and kindly feeling ; all should exert an influence to sustain the integrity, the stability and the unswerving patriotism of devotion to the Union of the States. They utterly abhor and detest the unsound political principles, and the false fanatical agitations of any party which would undertake to subvert the time-honored and sacred institutions of our government.

Your committee farther believe that the doctrine of non-intervention is the true policy in regard to the exciting question of slavery in the Territories. Holding to these true republican principles, they could only be induced by imperious necessity, and the force of peculiar circumstances, to recommend the passage of this bill.

The South has supplicated for justice and appealed to the fanatics of the non-slaveholding States, urged argument upon argument, and begging to persuasion, in vain to reach their feelings of patriotism ; still their organized assaults upon the constitutional rights of the South, their gradual but certain encroachments upon the sacredly guarantied soil of slavery, and the equally sacred rights of the slaveholder, continue to progress. In view of these facts, we are driven to ask ourselves the question, are we justifiable in establishing the policy of extension and strengthening the institutson of slavery? Shall we lie supinely upon our backs and shut our eyes to the almost superhuman efforts of the free States to abolitionize the common territory? Shall we offer no protest to the fanatical designs of the North, in moulding the institutions and establishing the character of the territories? Instead of aid-

ing to extend, shall we submit to a restriction of the limits of the area of slave territory? Shall we fold our arms and see a sister slave State, flanked already upon the north and east by freesoil States, and subject to the influence of invasion by their abolition emissaries, and trembling at the prospect of another broadside, abandoned to despair to abolitionism? Shall she claim no sympathy from us? Missouri, upon the very border of the field of contest—the exciting scene of action, from which must result her existence as a slave State, or her destiny in the rebellious spirits which will surround her—shall she have no helping hand in this frightful crisis? Has she no co-laborers in the slave-holding States, whose interests are identified with hers in maintaining slave soil and a western outlet for the emigration of Southerners with their slaves, as the slow but certain tread of abolitionism, and the fanatical press of freesoilism steadily advances and encroaches upon our Northern borders, and the work of emancipation is claiming the attention and support of slave-holding devines and Jesuit-stricken masters in all our border States? Does it require a prophetic eye to see what must be the ultimate destiny of the institution of slavery if we allow it to be “pent up” in a limited sphere, and surrounded by a cordon of free States and fanatics?

The citizens of Kansas have proclaimed themselves good and true pro-slavery men, and established their Territorial Legislature, sustained and sanctioned by her Governor, and in this position should she be sustained by the helping hand of the South? She has protested against the mad efforts of the Emigrant Aid Societies to force her to a freesoil organization, and the attempt to control her destiny by the flooding of freesoil emigrants into her borders. She has resisted successfully these hords of hired Northern emigrants at the ballot box, met force with force, declared her territory pro-slavery, and her determination to maintain it against unlawful, false and riotous feuds. Shall she have no support, no sympathy from Alabama? Her citizens cry aloud for help to protect them from the factious, mutinous and armed spirit of abolitionism, which is supported by means and money, arms and amunition, from New England. Their rights are invaded, their lives and their property endangered, and their State government threatened by the capriecces and insurrections of wild, fanatical assassins, who are endeavoring, *vi et armis*, to overrun the action of her Territorial legislation, and secure her admission into the Union as a free State.

Your committee believe the organization of the Northern

Aid Societies in violation of law and justice, and directly at war with every principle of our government, and the fact that these movements have passed without notice, and have met the silent approbation of the law-making powers of the free States. If these societies and organizations are in violation of law and dangerous, as conspiracies formed with the public avowal to invade with hostile intention the territories, and establish by force what they are unable to do by policy, in a country open to all, common to the citizens of this Union with civil rights, they should be noticed and suppressed where they originated.

The hope of receiving justice at the hands of our Northern brethren has long since expired, and we must look to ourselves for means to resist these ruthless and unprincipled invasions—these threatening assaults upon our rights in the Territories.

Your committee know of no other mode of redress, and see no other means of maintaining their rights and of sustaining and perpetuating the institutions of slavery. We believe it a God-given right—ours by Heaven, and the right of possession—a blessing, “moral, social and political,” which the tripple alliance of abolitionism, freesolism and fanaticism can never rob us, by organized societies for invasion, by insurrection or by force. If this policy is pursued by the North, we stand prepared to resist it, and will meet it by every honorable means in our power, strike for our rights and our liberties, regardless of threats and fearless of force. If the issue must come, let it come, and upon that common territory we will meet upon a battle-field which shall be dyed with the gore of thousands of Southern patriots, who are willing to die in defence of their rights in the States and in the Territories. God avert such a calamity!—but with a firm reliance upon the justice of our cause, and a trust in heaven, we fear to meet no enemy.

The committee have instructed me to report favorably upon the bill, and to recommend its passage.

E. J. BACON.

The bill and report were laid on table.

The Senate proceeded to the consideration of the bill to render more efficient the system of Free Public Schools in this State.

The vote refusing to strike out “Court of County Commissioners,” in section nine, article two, was reconsidered and passed.

Yeas 18; nays 10.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Baker, Bacon, Bethca, Brindley, Felder, Gunn, Hobdy, H. C. Jones, E. P. Jones, Lamar, Nelson, Peterson, Powell, Searcy, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Bradfor, Cocke, Gay, Hewlett, Jemison, Malone, Patton and Taylor.

Mr. President moved to strike out " Court of County Commissioners," in section nine, article two, with a view of inserting " qualified electors."

Carried.

Yeas 17 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Bacon, Baker, Brindley, Felder, Hobdy, H. C. Jodes, E. P. Jones, Lamar, Nelson, Peterson, Powell, Prince, Searcy, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Acklin, Ashley, Brakford, Cocke, Gay, Hewlette, Malone, Patton and Taylor.

Mr. Cocke moved to amend as follows :

In ninth section, article two, strike out " May" and insert August ;" strike out " annually" and insert " biennially."

On motion of Mr. Ashley, the amendment was laid on the table.

Mr. Baker moved to amend as follows :

To the ninth section, article two, add the following :

" *Provided*, That said election shall be governed by the law governing elections for members of the General Assembly ; the returns shall be made to the Judge of Probate, and the candidate receiving the highest number of votes, shall be by him declared elected."

Which was adopted.

Mr. Kimball; from the committee on Enrolled Bills, reported as correctly enrolled :

An act to incorporate Hill Male Academy ,

An act to authorize the Court of County Commissioners of Franklin county, to make appropriations for the relief of certain persons therein named ;

An act to amend an act to incorporate the Alabama Coal Mining Company ;

An act to improve the Supreme Court Library ;

An act to grant the right of way to the Memphis and Charleston Railroad Company, to extend their road from Ste-

venson, in Jackson county, in this State, to the Tennessee line ;

An act to compensate Jurors trying the right of property before Justices of the Peace.

An act amendatory of an act to amend an act incorporating the town of Athens, approved January 15, 1828 ;

An act to compell witnesses to testify in foreign suits ;

An act to amand the 17th paragraph of section 397 of the Code ;

Joint resolutions of the General Assembly of the State of Alabama.

The Senate then adjourned until to-morrow morning 10 o'clock, A. M.

FEBRUARY 7, 1856.

The Senate met pursuant to adjournment.

Mr. Bethea, from the committee on Finance, reported favorably on the House bill making appropriations for the fiscal years 1856 and 1857, with the following amendments.

Strike out the appropriation made to the Private Secretary of the Governor, and insert in lieu thereof ; " To the Private Secretary of the Governor the sum of five hundred dollars per annum."

Amend the second section by striking out the first paragraph, which reads as follows ; " That the sum of twenty thousand dollars be, and the same is hereby appropriated, to defray the contingent expenses of the government, to be paid only on the draft of the Governor."

In the first section amend the allowance made to the Comptroller so as to read as follows : " To the Comptroller of Public Accounts, two thousand dollars per annum, and to Joel Riggs, late Comptroller, twenty cents per foolscap page, as authorized by section 439 of the Code for copying the Land Registers ; estimating each written page of the Registers as equal to two foolscap pages."

The bill and report were laid on the table.

Mr. Malone, from the Judiciary committee, reported favorably on the Joint Resolutions of the General Assembly providing for the call of a convention.

Which were ordered to a third reading.

Mr. Baker, from the Judiciary committee, reported favorably on the bill " To make Circuit Court Judges rotate throughout the State.

The bill was read the third time and passed.

Mr. Baker reported unfavorably on the bill in relation to new trials.

The report was concurred.

Mr. Gunn introduced a bill relating to Building and Loan Associations.

The bill was read three times forthwith and passed.

Mr. Acklin reported unfavorably on the bill to make the practice of Probate Judges in this State uniform.

The report was concurred in.

Mr. Acklin reported unfavorably on the bill to authorize the sale of the Reports of the Supreme Court of the State of Alabama.

The report was concurred in.

The bill to make a loan to the Alabama & Mississippi Railroad Company, which was vetoed by the Governor, was lost.

Yeas 13 ; nays 17.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Bethea, Bradford, Cocke, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince and Webb.

Those who voted in the negative, are :

Messrs. President, Bacon, Baker, Brindley, Felder, Gay, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Powell, Searcy, Taylor, Thos. Wilson, B. F. Wilson and Peterson.

Message from the House by Mr. Chapman.

Mr. President :

The House of Representatives have originated and passed bills entitled as follows :

An act supplementary to an act to regulate a system of Free Public Schools in the county of Mobile, approved January 16, 1854.

An act to amend an act entitled an act to incorporate the Mechanics' Survey Company of Mobile.

An act to incorporate the Shelby Lime Company.

An act to incorporate the Eutaw Insurance Company.

The House has passed Senate bills entitled as follows :

An act to allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Ann Eliza Witherspoon, deceased, of Greene county.

An act for the relief of James Sublet and David Lankston. (amended by the House.)

The House has refused to pass bills entitled as follows :

An act to increase the salary of the Secretary of State.

An act to incorporate Fort Deposit Academy in the county of Lowndes.

The House has reconsidered and passed an act to incorpor-

ate the East Alabama Male College at Auburn, Macon county, notwithstanding the Executive veto.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled the bills entitled as follows :

An act for the protection of public inn-keepers.

An act to compensate John R. Robinson and Geo. W. Carricker, of Barbour county.

An act for the relief of Richard R. Harrison, and other persons therein named, of the county of Autauga.

An act to incorporate the Elba Insurance Company of Coffee county, Alabama.

An act to incorporate the Alabama Roofing Slate Company.

An act to authorize Robert B. Witter to practice law in certain courts in this State.

An act for the relief of the Central Plank Road Company.

An act to amend an act incorporating the Alabama & Eastern Tennessee Railroad Company.

The bill to repeal in part an act to amend the charter of the Northern Bank of Alabama, Huntsville, approved February 17, 1854, passed notwithstanding the Executive veto.

Yeas 23, nays 4.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Cocke, Gunn, Hobdy, Jemison, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Prince, Searcy, Taylor, Webb, Thos. Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Bradford, Brindley and Gay.

Also the bill for the relief of Jane Cothran, of the county of Barbour, was passed notwithstanding the Executive veto.

Yeas 29 ; nays none.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bacon, Bethea, Bradford, Brindley, Cocke, Felder, Gunn, Hobdy, Jemison, Jenkins, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Webb, Thos. Wilson and B. F. Wilson.

Also the House bill to incorporate the East Alabama Male College at Auburn, Macon county, was passed notwithstanding the Executive veto.

Yeas 25 ; nays 2.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Cocke, Felder, Gunn, Jemison, Jenkins, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone,

Nelson, Patton, Powell, Prince, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Brindley and Hobdy.

The bill to aid the Alabama Medical College was read the third time and passed.

Yeas 13 ; nays 12.

Those who voted in the affirmative, are :

Messrs. Ashley, Bethea, Bradford, Gunn, Hewlett, Jemison, Kimball, Lamar, Nelson, Prince, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are ;

Messrs. President, Bacon, Baker, Felder, Gay, Hobdy, H. C. Jones, E. P. Jones, Patton, Peterson, Powell and Thos. Wilson.

Mr. Baker moved to suspend the general orders, to take up the bill from the table to provide for the registration and burning of certain mutilated notes of the State Bank and Branches, now in the treasury, which was carried.

Yeas 19 ; nays 11.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Bethea, Brindley, Cocke, Felder, Gay, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone Nelson, Patton and Thomas Wilson.

Mr. Cocke moved to suspend all the special orders to consider the bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches, now in the treasury, which was lost.

Yeas 16 ; nays 16.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Gay, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince, Webb and Thos. Wilson.

The Senate proceeded to the consideration of the special order, it being the bill to render more efficient the system of Free Public Schools in this State.

Mr. H. C. Jones moved to amend section two, article five,

by striking out the words "that may be nearer or more convenient to his or her residence," which was adopted.

Mr. Baker moved to amend the same section by inserting words "a majority" after the words "by the permission of," which was adopted.

The Senate then adjourned until half-past three o'clock.

AFTERNOON SESSION.

The School bill still being under consideration.

Mr. Taylor moved to strike out "21" before the word "years," in section two, article five, with the view of inserting "19," which was carried.

Mr. Taylor moved to strike out "6" with the view of inserting "8" in same section and article, which was lost.

Mr. B. F. Wilson moved to insert "7," which was carried.

Mr. Beathea moved to amend section three, art. six, by inserting after the words "in this State," "except the county of Mobile," which was carried.

Mr. Patton moved to amend section four, article six, by striking out the words "School Commissioners," and insert the words "County Superintendent," which was adopted.

Mr. H. C. Jones moved to insert after section nine, in article six, an additional section, to be called section ten, as follows:

"Be it further enacted, that this act shall not be so construed as to authorize the fund now belonging to any of the townships of this State, to be appropriated to the use or benefit of any other township."

Also change the name of last section, called 10, and insert 11, which was adopted.

Mr. Baker moved to amend paragraph one, section one, article one, by striking out the words "and twenty" after the words "one hundred," which was adopted.

Mr. Baker moved to amend section five, article five, by adding the following proviso:

"*Provided* if any township is divided by a county line, trustees shall be elected by the qualified electors residing in the township, on each side of the line; but the management of the funds shall be given to the County Superintendent in which the largest portion of the township lies; and if the township is equally divided by the county line, then the State Superintendent of Public Schools shall determine which of the county superintendents shall manage the funds."

Which was adopted.

Mr. H. C. Jones moved to amend section one, article four, by striking out the words "four thousand," which was carried.

Mr. Baker moved to fill the blank with twenty-two hundred and fifty.

Mr. Malone moved to insert \$3,000, which was lost.

Yeas 12 ; nays 13.

Those who voted in the affirmative, are :

▲ Messrs. Abernathy, Ashley, Brindley, Hewlett, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Powell and Thos. Wilson.

Those who voted in the negative, are :

Messrs. President, Acklin, Baker, Cocke, Felder, Gunn, Hobdy, Jemison, H. C. Jones, Peterson, Prince, Searcy and B. F. Wilson.

Mr. Patton moved to insert \$2750—pending the consideration of which, the Senate adjourned until 10 o'clock to-morrow.

FEBRUARY 8, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled the following bills :

An act authorizing the garnishment of private corporations.

An act for the further security and protection of the State in Railroad loans.

An act to retake the testimony of witnesses in certain cases.

An act to allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Ann Eliza Wetherspoon, deceased, of Greene county.

An act to incorporate Fort Deposit Academy, in the county of Lowndes.

An act to establish a board of Botanic Physicians, in the State of Alabama.

An act for the relief of the administrators of Thomas S. Mays, and others.

An act for the benefit of Sumter county.

An act for the relief of James M. Petty, of Fayette county, Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed bills entitled as follows :

An act supplemental to an act entitled an act to make a loan to the Alabama & Tennessee River Railroad Company.

An act to incorporate the Talladega Insurance Company.

The House has also reconsidered and passed an act for the relief of Henry M. Elmore, and others.

An act to incorporate the Hillabee & Goldvillee Mining Company.

An act to incorporate the Chunnenugge Female College, of Macon county.

An act to incorporate the Commerce Street Hotel Company of Montgomery.

An act to incorporate the Calhoun Literary Society of Summerville, Morgan county, which were, severally, vetoed by the Governor.

The House has originated and passed bills as follows :

An act to authorize John Warnick to build a dam across the Warrior, in Blount county.

An act for the relief of James W. Jeter, of Coosa county.

An act for the relief of the deaf and dumb in this State.

An act to amend the charter of the West Point, Georgia & Tennessee River Railroad Company, approved February 3, 1854.

An act to authorize the Mayor and Aldermen of Tuscaloosa to subscribe for stock in railroads.

An act to incorporate the Central Agricultural Society at Selma.

An act the better to preserve the Journals of the General Assembly of the State of Alabama.

An act for the relief of Horatio Ferguson, and Jeremiah Lafarett, of Marshall county.

An act to authorize Wm. Wethington, of the county of Walker, to erect a mill dam therein named.

An act establishing annual sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the term thereof.

An act for the relief of Peter McGee, late Tax Collector of Pickens county.

An act to incorporate the Florida & Alabama Railroad Company.

An act authorizing the building of a mill dam in Marion county.

An act to incorporate the Pickens Insurance Company.

An act for the benefit of the Tax Assessor of Sumter county.

An act the more effectually to secure the apprehension and retaking of persons charged with criminal offences.

An act to amend section 1946 of the Code.

The House has also passed Senate bills entitled as follows ;

An act to establish a board of Botanic Physicians in the State of Alabama.

An act for the relief of James M. Petty, of Fayette county. The House has amended and passed a Senate bill entitled ;

An act to authorize the Court of County Commissioners of Madison and Jackson counties to pay certain persons for certain services therein named.

The House has also originated and passed bills entitled :

An act to amend section 573 of the Code of Alabama, and for other purposes.

An act to change and modify section 2706 of the Code, in relation to the lien on steamboats.

An act to amend the charter of the Western Railroad Company of Alabama.

The special order being the Free School bill,

The question pending being to insert \$2,750 in the blank in section one, article four, was withdrawn.

Mr. H. C. Jones moved to insert "\$2,500."

Mr. Patton renewed his motion to insert "\$2,750."

Mr. Bradford moved to insert "\$2,900" which was carried.

Yeas 15 ; nays 12.

Those who voted in the affirmative, are :

Messrs. Ashley, Bradford, Brindley, Hewlett, E. P. Jones, Lamar, Malone, Nelson, Patton, Powell, Searcy, Taylor, Webb Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Baker, Cocke, Felder, Gunn, Hobdy, Jemison, Jenkins, Kimball, Peterson and Prince.

Mr. Cocke moved to amend as follows :

Article 6 by an additional section—

"SEC. 11. *Be it further enacted*, That children residing in townships, which under the provisions of this act are not entitled to the benefit of the fund appropriated by the act, may be sent to a school not established by this act in an adjacent township, and be entitled to receive their *pro rata* share of the Sixteenth Section fund of the township in which said children reside."

The Senate refused to adopt the amendment.

Mr. Malone moved to amend section three, article two, as follows ;

Strike out the following words "to visit each county in the State at least once in every two years, to ascertain the condition of the public schools therein, and by public addresses to awaken the people to the importance of extending the bene-

fits of education more generally throughout the State, by means of Public Schools.”

Which amendment was adopted.

Mr. Felder moved to strike out all after the enacting clause, and insert the following as a substitute:

“That to create, a fund to be known as the ‘Educational Fund,’ for the maintainance of this system, the following sums of money are hereby set apart and appropriated;

1st. The annual interest at eight per cent. on that part of the surplus revenue of the United States, deposited with this State under the act of Congress of the 23rd of June, 1836.

The annual interest at eight per cent, on the proceeds of the sales of certain lands granted by the United States, for the use of Schools, in the valueless 16th Sections in this State, under the act of Congress of the 11th of August, 1848.

The annual interest, at eight per cent., on the fund which has accrued, or may hereafter accrue, from the sales of the 16th Sections of the several townships of this State.

The annual appropriation from any money in the treasury, not otherwise appropriated, of such sum not to exceed one hundred thousand dollars.

All sums of money which may hereafter accrue from escheats to this State.

Every bank and every insurance or exchange company, hereafter chartered in this State, shall pay an annual tax of one hundred dollars, or in that proportion, on every hundred thousand dollars of its capital.

Every railroad in this State shall pay an annual tax of one hundred dollars on every hundred thousand dollars of stock, after the same shall have declared dividends.

Every agency of any foreign bank, insurance or exchange company, shall pay, annually, a tax of one hundred dollars.

On every mining company, one hundred dollars on every hundred thousand dollars of stock, after the same shall have declared dividends.

SEC. 2. *Be it further enacted*, That sections 503 to 516, inclusive, in the Code of Alabama, is hereby declared in full force, and that section 503 is amended by inserting the words “Monday in May,” for “Saturday in January;” and the words “fifty-six” for the words “fifty-three” in said section; and the word “two” for the word “four,” and in section 512, the word “two” for the word “four.”

SEC. 3. *Be it further enacted*, That the said trustees shall receive all the interest due on the sales of the sixteenth sec-

tion lands, for their respective townships, and all other money to which their township may be entitled by this act, or otherwise; and, at their discretion, to establish one or more free schools in their township, or distribute the fund to those children entitled thereto, between the ages of five and twenty years, actually attending any school in the State during the year, in proportion to the time they actually attend school; and they shall report to the Judge of Probate in their respective counties, by the last day of April in each year, the number of schools in their respective townships, the number of scholars between the ages of five and twenty years, and the amount of all the school funds received and expended the preceding year. And it shall be the duty of the said Judge to report the same in a condensed form to the Comptroller of the State, and to the treasurer of his county, by the first Monday in June, of each year.

SEC. 4. *Be it further enacted*, That the Comptroller of Public Accounts shall draw his warrant on the State Treasurer for all amounts herein appropriated; and shall first deduct therefrom the amount due the several townships in the State, and then divide the balance out among all the counties in proportion to the children in such counties, within the ages aforesaid. He shall then certify to the county treasurer of each county, by the last of August, in each year, the several amounts due the townships in each county, on their respective sixteenth section funds, and also amounts due the county under the terms of this act.

And it shall be the duty of the treasurers of the several counties to apportion the money received under this act for the county at large, among the several townships having valueless sixteenth sections, or the smallest amount of interest or rent accruing from their sixteenth sections fund or land, in proportion to the children within the ages aforesaid, actually attending school; and he shall also pay to the other townships receiving no part of such fund the full amounts due to such townships, on their several sixteenth section funds,—the object being to give the townships having a small fund, or no school fund, the preference, so as to bring them as nearly equal with the other townships, as the fund hereby appropriated can do.

SEC. 5. *Be it further enacted*, That the tax collectors of the several counties shall annually pay to the county treasurer of their respective counties, by the first Monday in September, of each year, the full amounts certified by the Comptroller of the State to such treasurer; and the treasurer's receipt

for such sum, certified to be genuine by the Judge of Probate of said county, shall be good for that amount in his settlement of the State taxes with the said Comptroller.

SEC. 6. *Be it further enacted*, That the several offices herein named shall be liable on their official bond for any money received under this act, and shall also be liable for any neglect or failure to perform any duty prescribed; and for such neglect or failure of duty, shall be liable to the acting trustee or trustees of the respective townships for the money due such township, or for the damages to such township for such failure or neglect of duty; and any of such officers, and their sueties, may be sued in the county of such aggrieved township.

SEC. 7. *Be it further enacted*, That if any trustee or trustees fail or neglect to make a return of the number of children to the Judge of Probate, as provided, no provision shall be made for the township represented by such trustee or trustees, under this act, for that year; and such trustee or trustees may be removed by the Judge of Probate of their county,—and the incoming trustee or trustees may sue such removed trustees or trustees, and their sureties, and recover the amounts due such township. And the trustee or trustees shall have the same power in case of the death or resignation or expiration of the time of office of any such trustee or trustees, to recover for any neglect or failure of duty or any balance due.

SEC. 8. *Be it further enacted*, That all laws in conflict with this act, are hereby repealed; except that the several trustees elected on the first Monday in May next, may receive any and all money to which their respective townships are now or hereafter may be entitled under any present existing law, and shall be applied in conformity to such law: And, provided, also, that the Comptroller may certify to the several county treasurers by the last of August next, the amounts due the several townships and counties from the best information he can procure; and provided, also, that the State Superintendent shall turn over to him all papers and books now in his possession belonging to the Superintendent's office, and shall also pay any money belonging to the State now in his hands, to the State Treasurer; *Provided*, That this act shall not extend to the county of Mobile, except so far as to allow them to draw their proportion of the general School fund, on the warrant of a majority of the Board of School Commissioners for said county."

Mr. Thomas Wilson moved to lay the substitute on the table, which was carried.

Yeas 19 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bradford, Brindley, Cocke, Hewlett, Hobdy, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Powell, Webb, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Bethea, Felder, Gunn, H. C. Jones, Peterson, Prince and Searcy.

Mr. Cocke moved to amend article six by additional section, to be called section 11, as follows :

“That when any township line runs through any city, town or village, the children residing in either of such townships, sent to any chartered school in either of said townships, not established in conformity to this act, shall be entitled to receive their *pro rata* share of the 16th section fund of the township in which such children reside.”

Which was adopted.

Yeas 16 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, H. C. Jones, Kimball, Peterson, Prince, Searcy, Webb and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Bradford, Hewlett, E. P. Jones, Malone, Nelson, Patton and Taylor.

Mr. Malone moved to amend section eight, article six, by inserting after the words “of this act,” the words “except as hereinafter provided.”

Which was adopted.

The bill was then read the third time and passed.

Yeas 25 ; nays 2.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bradford, Brindley, Cocke, Gunn, Hewlett, Hobdy, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Powell, Prince, Searcy, Taylor, Webb, Thos. Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Felder and Peterson.

Message from the Governor by Mr. Catlin :

Mr. President :

His Excellency, the Governor, has approved of bills of the following titles, which originated in the Senate :

An act to incorporate the Merchants' Mutual Insurance Company of Montgomery ;

An act to amend the 17th paragraph of section 397 of the Code ;

An act to compell witnesses to testify in foreign suits ;

An act to improve the Supreme Court library ;

An act to authorize the Court of County Commissioners of Franklin county, to make appropriations for the relief of certain persons therein named ;

An act to compensate Jurors trying the right of property before Justices of the Peace ;

An act to grant the right of way to the Memphis and Charleston Railroad Company, to extend their road from Stevenson, in Jackson county, in this State, to the Tennessee line ;

A joint resolution of the General Assembly of the State of Alabama.

The Senate then adjourned until half past 3 o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate proceeded to reconsider the bill to incorporate the Calhoun Literary Society of Somerville, Morgan county, said bill having been vetoed by the Governor.

The bill passed notwithstanding the veto.

Yeas 23 ; nays 3.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Be-thea, Bradford, Cocke, Felder, Gunn, Jemison, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Taylor, Webb and Wilson of Pick-ens.

Those who voted in the negative, are :

Messrs. Brindley, Hobdy and Wilson of Jackson.

The Senate proceeded to reconsider the bill for the relief of Henry M. Elmore and others, said bill having been vetoed.

The bill passed notwithstanding the veto.

Yeas 27 ; nays 1.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Felder, Gunn, Hobdy, Jemison, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Taylor, Webb, Wilson of Jackson and Wilson of Pickens.

Mr. Brindley voted in the negative.

The Senate proceeded to reconsider the bill to incorporate the Commerce Street Hotel Company of Montgomery, said bill having been vetoed by the Governor.

The bill passed notwithstanding the veto.

Yeas 26 ; nays 2.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Felder, Gunn, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Brindley and Wilson of Jackson.

The Senate proceeded to reconsider the bill to incorporate the Chunnenugee Female College of Macon county, said bill having been vetoed by the Governor.

The bill passed notwithstanding the veto. Yeas 23 ; nays 1.

Those who voted in the affirmative, are :

Messrs. President, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Felder, Gunn, Hobdy, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Taylor, Webb and B. F. Wilson.

Mr. Brindley voted in the negative.

The Senate proceeded to reconsider the bill to incorporate the Hillabee and Goldville Mining Company, said bill having been vetoed by the Governor.

The bill passed notwithstanding the veto.

Yeas 23 ; nays 2.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bradford, Cocke, Gunn, Hobdy, Jemison, H. C. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Taylor, Webb, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Brindley and E. P. Jones.

The Senate proceeded to consider the bill to prevent the sale of spirituous liquors within one a half miles of the lot and building known as Barnes' Store, at Pleasant Ridge, in the county of Greene, together with the following message from the Governor :

EXECUTIVE DEPARTMENT, }
February 8, 1856. }

To the Senate :

The bill to be entitled “an act to prevent the sale of spirituous liquors within one mile and a half of the lot and building known as Barnes’ Store, at Pleasant Ridge, in the county of Greene,” is not only a prohibitory liquor law, so far as all persons living within one mile and a half of Barnes’ lot and Store are concerned, but is equally a monopoly to Mr. Barnes himself, or whoever owns the store.

Liquors are not forbidden to be sold within the store, but only within a mile and a half of it—thus giving to Mr. Barnes the exclusive liquor trade over an area of three miles square—probably greatly to the injury to persons who would keep better liquors, and at more reasonable rates.

I am equally as much against monopoly in the liquor traffic as I am against exclusion by legislative enactments. I, therefore, return this bill without my approval.

Respectfully,

JOHN A. WINSTON.

The bill passed notwithstanding the Executive veto.

Yeas 17 ; nays 8.

Those who vetoed in the affirmative, are :

Messrs. Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Gunn, Hewlett, Jemison, H. C. Jones, Kimball, Malone, Nelson, Patton, Peterson, Prince and Taylor.

Those who voted in the negative, are :

Messrs. President, Bacon, Brindley, Felder, Hobdy, E. P. Jones, Thomas Wilson and B. F. Wilson.

The bill to authorize the Mayor and Aldermen of the city of Tuscaloosa to subscribe for stock in Railroads, was read the first and second times.

The Senate refused to order it to a third reading.

The Senate then adjourned to 7 o’clock, P. M.

NIGHT SESSION.

The Senate met pursuant to adjournment.

Mr. Acklin, from the committee on the Judiciary, to whom was referred the account of Samuel K. Raburn, of Marshall county, reported a bill to compensate said Raburn for certain services therein named.

The bill was read the first, second and third times forthwith and passed.

The bill to provide for the closing of the remaining business of the State Bank and Branches being the special order, was postponed until half past 10 o'clock, on Monday, and from day to day until disposed of, to the exclusion of all other business.

Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed bills entitled as follows :

An act for the relief of John C. Hawkins, the heirs of Allen K. Curry, A. Downing and W. J. Ingram ;

An act to compensate Thomas Chilcoat, of the county of Hancock ;

An act to incorporate the Wetumpka Steamboat Company ;

An act to establish a Medical Board in the county of Pickens ;

An act for the relief of the School Commissioners of Marshall county ;

An act to legalize election precincts Nos. 18 and 19, in Talladega county ;

An act to authorize the Commissioners' Court for Choctaw county, to establish an election precinct.

The Senate then adjourned until to-morrow morning 10 o'clock.

FEBRUARY 9, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Dorman.

Mr. E. P. Jones, from the committee on County Boundaries, reported unfavorably upon the bill to change the boundaries of the county of Hancock, and for other purposes.

Mr. Hewlett moved to lay the report on the table, which was carried.

Yeas 14 ; nays 12.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Brindley, Hewlett, Jemison, Malone, Nelson, Patton, Powell, Taylor and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Cocke, Felder, Hobdy, H. C. Jones, E. P. Jones, Kimball, Peterson and Webb.

The Senate refused to order the bill to a third reading.

Yeas 11 ; nays 12.

Those who voted in the affirmative, are :

Messrs. President, Bethea, Bradford, Brindley, Hewlett, Jemison, Malone, Nelson, Peterson, Powell and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Baker, Cocke, Felder, Gunn, Hobdy, H. C. Jones, E. P. Jones, Kimball, Patton, Prince and Webb.

Message from the House by Mr. Chapman :

Mr. President :

The House of Representatives have concurred in the amendments of the Senate to House bills of the following titles :

An act to change the time of holding the next Spring term of the Circuit Court of Talladega county ;

A joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States ;

An act compelling certain persons now exempt from working on public roads in DeKalb county ;

An act for the relief of William Norton ,

An act to authorize James L. Murphy, of the county of Greene, and others, to peddle books without license ;

An act for the relief of Sarah Ann Clark, of Morgan county, and others ;

An act to compensate Thomas S. Locke, of Barbour county ,

An act in relation to Marengo and other counties therein named ;

An act to increase the license to sell ardent spirits within three miles of the city of Montgomery ;

An act for the relief of William T. DeWit, of Barbour county ;

The House has passed Senate bills entitled :

An act to pay certain claims against the State ;

Also, an act for the relief of Austin Murphree, Jailor of the county of Blount, with amendment to caption of the bill ;

The House has originated and passed a bill to incorporate the Selma Receiving and Forwarding Company ;

An act to simplify the mode of taking appeals to the Supreme Court ;

The House has reconsidered and passed, notwithstanding the Executive veto, a House bill entitled :

An act to incorporate the Commercial Bank of Alabama.

The House has reconsidered and passed House bills vetoed by the Governor, notwithstanding the Executive veto, entitled :

An act to incorporate the Spring Hill Male and Female Academy of Marengo county ;

An act to incorporate the Planters' Factory, at Autauga-ville.

The House has also reconsidered and passed, notwithstanding the Executive veto, Senate bills entitled :

An act to authorize the conferring of diplomas at the Southern Military Academy of Chambers county ;

An act to repeal in part an act to amend the charter of the Northern Bank of Alabama, at Huntsville, approved February 17, 1854 ;

An act for the relief of Jane Cothran, of the county of Perry.

The House has also passed a bill entitled :

An act to incorporate the Clayton Branch of the Mobile and Girard Railroad Company ;

Also a substitute for a Senate bill entitled an act to amend an act, approved February 9, 1854, authorizing the Courts of County Commissioners to establish, abolish and change the places in election precincts.

The House has originated and passed a bill entitled ;

An act to prohibit the retail or sale of spirituous liquors within 3 miles of Spring Hill Academy, in Marengo county.

On motion of Mr. Bradford,

The House bill for the relief of John C. Hawkins, the heirs of Allen K. Curry, A. Downing and W. J. Ingram, was read first and second times.

On motion of Mr. Bradford,

The name of Aaron Greene was inserted after the name of W. J. Ingram, in the body and title of the bill.

The bill, as amended, was read the third time and passed.

Mr. Patton introduced a bill to regulate and define the liabilities of Railroad Companies in this State, which was read the first, second and third times forthwith and passed.

Mr. Kimball introduced a bill for the benefit of minors in the factories of this State.

The bill was read the first and second times.

Mr. Kimball moved to amend by striking out the words "known as cotton factories."

The amendment was adopted, and the bill read a third time and passed.

Mr. Baker introduced a bill for the relief of William H. Mayner, which was read the first and second times and referred to the Judiciary committee.

The bill to incorporate the Commicial Bank of Alabama, was reconsidered and passed, notwithstanding the Executive veto.

Yeas 24 ; nays 4.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Bradford, Cocke, Gunn, Hewlett, Hobdy, Jemison, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Searcy and Thos. Wilson.

Mr. Kimball, from the committee, on Enrolled Bills, reported as correctly enrolled :

An act to change the time of holding the next Spring term of the Circuit Court of Talladega sounty ;

An act to pay certain claims against the State;

An act for the relief of Austin Murphree, Jailor of Blount county ;

An act to incorporate the Clayton Branch of the Mobile and Girard Railroad.

On motion of Mr. Baker,

The general orders were suspended to take up the bill to provide for the registration and burning of certain mutilated bills of the State Bank and Branches.

Yeas 17 ; nays 14.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hewlett, Hobdy, Jenkins, Jones of Fayette, Kimball, Peterson, Searcy, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Jemison, Jones of Franklin, Lamar, Malone, Nelson, Patton, Prince and Wilson of Jackson.

Mr. Gunn moved to lay the report on the table, which was carried.

Yeas 17 ; nays 14.

Those who voted in the affirmative, are :

Messrs. Ashley, Baker, Bacon, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, Jones of Fayette, Kimball, Peterson, Powell, Searcy, Taylor, Webb and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Jones of Franklin, Lamar, Malone, Nelson, Patton, Prince and Wilson of Jackson.

The amendment heretofore offered by Mr. Baker to his substitute, was adopted.

The substitute was then adopted.

Mr. Baker moved to strike out "\$600,000," and insert "\$500,000."

A division of the question being called for, the question first being upon striking out, which was carried.

Mr. Hewlett moved to adjourn until Monday morning, 10 o'clock, which was lost.

Yeas 11; nays 18.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Jones of Franklin, Lamar, Malone, Nelson, Patton and Wilson.

Those who voted in the negative, are :

Messrs. President, Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jones of Fayette, Kimball, Malone, Peterson, Powell, Prince, Searcy, Taylor and Wilson of Pickens.

Mr. Thomas Wilson moved to adjourn until half past 3 o'clock, P. M., which was lost.

Yeas 13; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Jones of Franklin, Lamar, Malone, Nelson, Patton and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, Jones of Fayette, Kimball, Peterson, Powell, Prince, Searcy, Taylor, Webb and Wilson of Pickens.

Mr. Bethea moved to adjourn until half past 3 o'clock, which was lost.

Yeas 11; nays 17.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Lamar, Malone, Nelson, Patton and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, Jones of Fayette, Kimball, Peterson, Powell, Prince, Searcy, Taylor and Wilson of Pickens.

Mr. Hewlett moved to postpone the consideration of the bill till Friday next, 10 o'clock, which was lost.

Yeas 13; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin Bethea, Bradford, Hewlett, Jemison, Jones of Franklin, Lamar, Malone, Nelson, Patton, Searcy and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, Jones of Fayette, Kimball, Peterson, Powell, Prince, Taylor, Webb and Wilson of Pickens.

Mr. Patton moved to adjourn until half past 3, p. m., which was lost.

Yeas 14 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, Jones of Franklin, Lamar Malone, Nelson, Patton, Prince and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Jenkins, Jones of Fayette, Kimball, Peterson, Powell, Searcy, Taylor, Webb and Wilson of Pickens.

Mr. Bethea moved to adjourn to half past 3, p. m., which was lost.

Yeas 14 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor and B. F. Wilson.

Mr. H. C. Jones moved to adjourn to half past 3, p. m., which was lost.

Yeas 14 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor and B. F. Wilson.

Mr. Bradford moved to indefinitely postpone the consideration of the bill.

Mr. Baker moved to lay Mr. Bradford's motion on the table, which was carried.

Yeas 16 ; nays 13.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Powell, Searcy, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Lamar, Malone, Nelson, Patton, Prince, and Thomas Wilson.

Mr. Lamar moved to adjourn until 4 o'clock this evening, which was lost.

Yeas 13 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Lamar, Malone, Nelson, Patton, Prince, and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Powell, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Bradford moved to adjourn until half past 4 o'clock, which was lost.

Yeas 13 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, Kimball, Peterson, Taylor and B. F. Wilson.

Mr. Hewlett moved to adjourn until 10 o'clock, Monday, which was lost.

Yeas 13 ; nays 1 .

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, Kimball, Peterson, Powell, Taylor, Webb and B. F. Wilson.

Mr. Lamar moved to adjourn until 7 o'clock, this evening, which was lost.

Yeas 12 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Patton and Thomas Wilson.

Those who voted in the negative, are ;

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, Kimball, Peterson, Powell, Taylor and B. F. Wilson.

Mr. Hewlett moved to adjourn until half past 9, Monday morning, which was lost.

Yeas 11 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abeanathy, Acklin, Bethea, Bradford, Hewlett, H. C. Jones, Lamar, Malone, Patton and Thomas Wilson.

Those who voted in the negative, are :

Mesers. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy Jemison, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Taylor, Webb and B. F. Wilson.

Mr. Jemison moved to adjourn until 10 o'clock, Monday, which was lost.

Yeas 12 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Howell, Taylor, Webb and B. F. Wilson.

Mr. Hewlett moved to suspend the farther consideration of the bill, in order to take up the annual session bill, which was lost.

Yeas 11 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Lamar, Malone, Patton, and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, H. C. Jones, E. P. Jones, Kimball, Peterson, Powell, Taylor, Webb and B. F. Wilson.

Mr. Lamar moved to adjourn until 10 o'clock Monday, which was lost.

Yeas 12 ; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Paylor, Webb and B. F. Wilson.

Mr. Patton moved to suspend the further consideration of the bill until 10 o'clock, to-night, in order to take up and dispose of important House bills now in the Senate, which was lost.

Yeas 14 ; nays 16.

Those who voted in the affirmative, are :

Messrs. President, Acklin, Abernathy, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor and B. F. Wilson.

Mr. Hewlett moved to adjourn until 10 o'clock, Monday, which was lost.

Yeas 13 , nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Hewlett moved to postpone the further consideration of the bill until half past 11 o'clock on Friday next. Lost.

Yeas 12 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, H. C. Jones, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Hewlett moved to adjourn until one minute after 10 o'clock on Monday, which was lost.

Yeas 11 ; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Jemison moved to take a recess for tea, until 7 o'clock this evening, which was lost.

Yeas 12 ; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Lamar, Malone, Nelson, Patton and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Patton moved to suspend the consideration of the bill, in order to take up the annual session bill, which was lost.

Yeas 14 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Prince and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Hewlett moved to adjourn at half past 8 o'clock on Monday next.

Yeas 12 ; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Jemison moved to take a recess until half past 7 o'clock, in order to have a consultation, which was lost.

Yeas 9 ; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Mr. Hewlett moved to postpone the further consideration of the bill until 29 minutes after 11 o'clock on Friday next.

Mr. Cocke moved to amend by inserting 30 minutes past 11 o'clock.

Mr. Baker moved to lay both motions on the table, which was carried.

Yeas 17 ; nays 11.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jemison, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Mr. Jemison moved to suspend the consideration of the 1st section of the bill in order to take up and consider 2nd section.

Mr. Baker moved to lay that motion on the table, which was lost.

Yeas 14 ; nays 14.

Those who voted in the affirmative, are :

Messrs. Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Nelson, Prince, Webb and Thomas Wilson.

Mr. Jemison's motion was then carried.

Yeas 15 ; nays 14.

Those voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Nelson, Patton, Prince, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy and B. F. Wilson.

Mr. Ashley moved to strike out the second section of the bill.

Mr. Patton moved to adjourn until quarter before 9 o'clock on Monday, next which was lost.

Yeas 12 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Hewlett, Jemison, H. C. Jones, Lamar, Nelson, Patton, Prince and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Webb and B. F. Wilson.

The second section was then stricken out.

Yeas 19 ; nays 6.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Cocke, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Neson, Patton, Peterson, Powell, Prince, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Felder, Hobdy, E. P. Jones and B. F. Wilson.

Mr. Bethea moved to adjourn until half past 9 o'clock on Monday next, which was lost.

Yeas 13 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Gunn, Hewlett, H. C. Jones, Lamar, Nelson, Patton, Prince and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Searcy, Webb and B. F. Wilson.

Mr. Hewlett moved to adjourn until 9 o'clock on Monday next, which was lost.

Yeas 12 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Hewlett, Jemison, H. C. Jones, Lamar, Nelson, Patton, Prince and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Webb and B. F. Wilson.

Mr. Jemison moved to strike out first section of the bill, which was lost.

Yeas 9 ; nays 15.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Bethea, Hewlett, Jemison, H. C. Jones, Lamar, Nelson and Patton.

Those who voted in the negative, are ;

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Webb and B. F. Wilson.

Mr. Jemison moved to adjourn until 10 o'clock, Monday morning.

Yeas 9 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Hewlett, Jemison, Lamar, Nelson and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, H. C. Tones, E. P. Jones, Kimball, Patton, Peterson, Powell, and B. F. Wilson.

Mr. Hewlett moved to adjourn until 10 o'clock, Monday Morning, which was lost.

Yeas 10 ; nays 15.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Hewlett, Jemison, H. C. Jones, Lamar, Nelson and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Hobdy, Gunn, Felder, Jenkins, F. P. Jones, Kimball, Patton, Peterson, Webb and B. F. Wilson.

Mr. Cocke moved to adjourn until half past 9 on Monday next.

Mr. Howlett moved to amend by inserting half past 10 o'clock, which was lost.

Yeas 10 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Hewlett, H. C. Jones, Lamar, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Webb and B. F. Wilson.

The hour of 12 o'clock having arrived, Mr. President declared the Senate adjourned until 10 o'clock Monday morning.

FEBRUARY 11, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Norton.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled, as follows—

An act to make Circuit Court Judges rotate throughout the State.

Message from the House by Mr. Chapman :

Mr. President :

The House has amended Senate bills entitled ;

An act for the relief of James Foshees, Conecuh county.

An act to amend an act entitled an act to require the Governor to cause patents to be issued to certain land therein named, to Mary Stevens, and others, approved 16th-February, 1852, by the adoption of a substitute.

The House has also originated and passed bills entitled :

An act for the relief of shippers of produce and merchandise on railroads.

An act to pay Goldsberry Ray a certain sum of money for provisions and forage furnished United States troops during the war with the Indians in 1837.

An act to divorce George M. Watson, from his wife, Maranda Watson, and to divorce other persons therein named.

An act to divorce Mary E. Gilder from her husband, Thaddeus Gilder, and to divorce other persons therein named.

An act to amend the charter of the Western Railroad Company of Alabama.

An act to divorce Thomas Carroll from his wife, Rebecca Carroll, and to divorce other persons therein named.

An act to divorce Caroline Grubbs from her husband, Morgan Grubbs.

An act to pay Samuel Rice, and others, for servant hire.

An act for the relief of certain persons therein named.

An act for the relief of Jane Chritzberg, of Mobile county.

An act to compensate J. W. Faith, the Sheriff of Washington county.

An act to divorce Elijah Harris from his wife, Martha Harris, and to divorce other persons therein named.

Also a joint memorial of the General Assembly of the State of Alabama to the President of the United States.

Mr. Webb moved to reconsider the vote refusing to order the bill to change the boundaries of the county of Hancock, which was lost.

Yeas 13 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, Jenkins, Malone, Nelson, Powell, Prince and Thos. Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, H. C. Jones, E. P. Jones, Kimball, Peterson, Searcy and Webb.

The question pending when the Senate met, was the bill to provide for the registration and burning of certain bills of the State Bank ;

Pending the consideration, the hour of half-past 10 having arrived, the President declared the special order to be the bill to close the remaining business of the State Bank and Brancher.

Mr. Gunn moved to suspend the special order, which was carried.

Yeas 17 ; nays 12.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cooke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Peterson, Powell, Prince, Searcy, Taylor Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Malone, Nelson, Patton and Thos. Wilson.

At twenty minutes past one, Mr. Hewlett moved to adjourn, which was lost.

Yeas 2, nays 28.

Those who voted in the affirmative, are ;

Messrs. Jemison and Hewlett.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Ashley, Bacon, Baker, Bethea, Bradford, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, H. C. Jones, E. P. Jones, Kimball, Lamar, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Taylor, Thos. Wilson and B. F. Wilson.

Mr. Patton being entitled to the floor, yielded to Mr. Baker, who thereupon made a motion to reconsider the vote striking out \$600,000 in the first section.

The chair (Mr. H. C. Jones in the chair) decided the motion out of order, inasmuch as Mr. Patton yielded the floor for another purpose.

Mr. Baker appealed from the decision of the chair.

On the question, shall the decision of the chair stand? it was lost.

Yeas 13 ; nays 18.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison. H. C. Jones, Lamar, Malone, Nelson, Patton and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy Taylor, Webb and B. F. Wilson.

Fifteen minutes to two o'clock, Mr. Acklin moved to adjourn till half-past three o'clock this evening, which was lost.

Yeas 10 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, Lamar, Malone, Nelson and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, H. C. Jones, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor, Nelson and B. F. Wilson.

The vote striking out \$600,000 in first section, was then reconsidered.

Yeas 17 ; nays 13.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Prince, Searcy, Taylor and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thos. Wilson.

Mr. Baker moved the previous question.

On the question, shall the main question now be put, it was carried.

Yeas 17 ; nays 12.

Messrs. Ashley, Baker, Bacon, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Searcy, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and Thos. Wilson.

Mr. Taylor moved to adjourn until half-past three o'clock, which was lost.

Yeas 14 ; nays 14.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Bradford, Hewlett, Jemison, H. C. Jones, Malone, Patton, Prince, Taylor and Thos. Wilson.

Those who voted in the negative, are:

Messrs. Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson, Powell, Webb and B. F. Wilson.

Mr. Hobdy moved to adjourn until half-past three o'clock this evening, which was lost.

Yeas 10 ; nays 12.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, Hobdy, H. C. Jones, Malone, Patton and Thomas Wilson.

Those who voted in the negative, are:

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Jenkins, E. P. Jones, Peterson, Powell and B. F. Wilson.

Mr. Hewlett moved to adjourn until 10 o'clock to-morrow, which was lost.

Yeas 5 ; nays 18.

Those who voted in the affirmative, are:

Messrs. Acklin, Hewlett, H. C. Jones, Lamar and Nelson.

Those who voted in the negative, are:

Messrs. Abernathy, Baker, Bacon, Brindley, Cocke, Felder, Gunn, Hobdy, Jemison, Jenkins, E. P. Jones, Kimball, Patton, Peterson, Powell, Searcy, Webb and B. F. Wilson.

At ten minutes before four o'clock, Mr. Nelson moved to adjourn until seven o'clock to-night, which was lost.

Yeas 10 ; nays 17.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Bradford, Hewlett, H. C. Jones, Lamar, Malone, Nelson and Thos. Wilson.

Those who voted in the negative, are:

Messrs. Ashley, Bacon, Baker, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Patton, Peterson, Powell, Prince, Searcy, Taylor and B. F. Wilson.

Mr. Hewlett moved to adjourn until half-past nine o'clock to-morrow, which was lost.

Yeas 11 ; nays 17.

Those who voted in the affirmative, are:

Messrs. President, Abernathy, Acklin, Bethea, Bradford, Hewlett, H. C. Jones, Lamar, Malone, Nelson and Thomas Wilson.

Those who voted in the negative, are:

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Patton, Peterson, Powell, Prince, Taylor, Webb and B. F. Wilson.

The Senate then adjourned until 9 o'clock to-morrow morning.

FEBRUARY 12, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. J. D. Williams.

The bill to provide for the registration and burning of certain mutilated notes of the State Bank and Branches, now in the treasury, was ordered to a third reading.

Yeas 15 ; nays 10.

Those who voted in the affirmative, are :

Messrs. Ashley, Baker, Brindley, Cocke, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Peterson, Powell, Prince, Searcy, Taylor and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Bradford, H. C. Jones, Lamar, Malone, Nelson and Thos. Wilson.

Mr. Acklin, from the Judiciary committee, reported favorably on the bill to change the time of holding the Circuit Courts for the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair, with the following amendment :

“ Provided, That the first section of this act shall not take effect until the 1st of August, 1856.”

Which was adopted, and the bill read the third time and passed.

Mr. Acklin, from the same committee, reported favorably on the bill to repeal in part and to amend an act therein named.

The bill was read a third time and passed.

Mr. Thomas Wilson, from the committee on Accounts, to whom was referred the account of W. B. Bell, for articles furnished the two houses of the General Assembly, and the State officers of the Capitol, and also the account of Brittan & Blue, for printing 250 copies of the report of Inspectors of the Penitentiary, reported a bill for the relief of certain persons therein named, which was read the first, second and third times forthwith and passed.

The special order, it being the bill providing for the survey of a central route, was postponed until half-past 3 o'clock.

The House bill to incorporate the Talladega Insurance Company, was read the first, second and third times forthwith and passed.

The House bill to legalize election precincts Nos. 18 and 19 in Talladega county, was read the first, second and third times forthwith and passed.

The House bill establishing annual sessions of the Legislature of the State of Alabama, fixing the commencement and limiting the term thereof, was read the first and second times.

Mr. Ashley moved to strike out "1856" and insert "1857," which was lost.

Yeas 6 ; nays 21.

Those who voted in the affirmative, are :

Messrs. Ashley, Bradford, Cocke, Patton, Prince and Taylor.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bacon, Baker, Bethea, Brindley, Felder, Gunn, Hewlett, Hobdy, Jemison, Jenkins, H. C. Jones, E. P. Jones, Lamar, Malone, Nelson, Peterson, Webb and B. F. Wilson.

Mr. H. C. Jones moved to amend as follows :

" *Be it further enacted*, That on the first Monday in August next, an election shall be held for members of the House of Representatives for the several counties, and for Senators for the several Senatorial Districts of the State.

The Senate refused to adopt the amendment.

The bill was read a third time and passed.

Yeas 19 ; nays 12.

Those who voted in the affirmative, are :

Messrs. President, Bacon, Baker, Bethea, Brindley, Felder, Gunn, Hewlett, Hobdy, Jemison, Jenkins, Kimball, Nelson, Peterson, Prince, Searcy, Webb and B. F. Wilson.

Message from the House by Mr. Chapman.

Mr. President :

The House has reconsidered and refused to pass the Senate bill vetoed by the Executive, entitled 'an act to prevent the sale of spirituous liquors within one mile of the lot and building known as Barnes' Store, at Pleasant Ridge in the county of Greene.

The House has passed Senate bills entitled as follows :

An act to authorize the Superintendent of Public Schools to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in the county of Franklin;

An act to alter and amend the charter of the town of Eu-
faula;

An act to amend the charter of the town of Marion, in the county of Perry ;

An act to incorporate the Alabama Fire Engine Company No. 2 ;

An act to amend an act to authorize and regulate the business of Banking, approved 12th February, 1856.

The House has also amended and passed Senate bills entitled as follows :

An act to incorporate the Macon County Railroad Company ;

An act to incorporate the Lyon Marine Fire Insurance Company, at Demopolis, Alabama.

The House has originated and passed bills entitled as follows ;

An act to incorporate the Tuscumbia and Columbus Railroad Company ;

An act to compensate physicians for certain services therein named ;

An act to enable the trustees of township 13, range 5 east, in Wilcox county, to draw the money due said township ;

An act making appropriations to certain persons therein named.

The House has passed a Senate bill entitled as follows :

An act to incorporate the Mobile and Great Northern Railroad Company.

Also House bills entitled—

An act to incorporate the Autaugaville Male and Female Academy ;

To apportion Representatives among the several counties of this State, and to divide the State into Senatorial Districts ;

To incorporate the Jackson Guards ;

To incorporate the Marion Insurance and Trust Company ,

The special order, it being the bill to provide for closing the remaining business of the State Bank and Branches, was taken up, and on motion was to be considered section by section.

Mr. Jemison moved to strike out, in section two, “\$50,000,” with a view of inserting “\$20,000.”

The Senate refused to strike out.

Mr. Jemison moved to strike out “\$50,000” with a view to insert “\$30,000,” which was carried.

Mr. T. Wilson moved to strike out “\$2,500,” where it occurs in section three, with a view of inserting “\$2,000,” which was lost.

Yeas 10 ; nays 18.

Those who voted in the affirmative, are :

Messrs. Abernathy, Bacon, Bradford, Brindley, Felder,

E. P. Jones, Nelson, Searcy, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Acklin, Ashley, Baker, Bethea, Cocke, Gunn, Hewlett, Hobdy, Jemison, Jenkins, H. C. Jones, Malone, Patton, Peterson, Powell, Prince and Taylor.

Mr. Powell moved to amend the same section by striking out the name of "H. B. Holcombe" where it occurs, and insert the name of "Wm. H. Gasque; which was carried.

Yeas 15 ; nays 14.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Bradford, Brindley, Felder, Hewlett, Hobdy, Jenkins, E. P. Jones, Malone, Peterson, Powell, Searcy, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Baker, Bethea, Cocke, Gunn, Jemison, H. C. Jones, Kimball, Lamar, Patton, Prince and Taylor.

The question being taken on the adoption of the third section as amended, the Senate refused to adopt it.

On motion of Mr. Patton, the blank in the fourth section was filled by inserting the name of "John D. Rather, of Decatur."

Mr. Felden moved to amend section eight as follows :

"And it shall also be their duty to report to the Comptroller on the first day of October, 1856, the names, amount of indebtedness, and when due, and residences (if known) of each debtor, arranged by counties ; together with the names of their sureties, and whether the debt is in judgment or otherwise ; and if in judgment, whether the execution against such person and his sureties has been returned, no property found, or otherwise. And it shall be the duty of the Comptroller to publish reports in one pamphlet, and have ten thousand copies of the same printed by the State printers, and send by mail 150 copies of the same to each Judge of Probate in the State, for general circulation in their respective counties ; and shall draw his warrant on the State Treasurer for the necessary expenses of such printing or distribution."

Mr. Baker moved to strike out "1856," where it occurs in the amendment, and insert "1857."

And the Senate adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed bills entitled as follows :

An act to incorporate the Wetumpka Insurance Company ;

An act to authorize Benj. Perry to erect a gate across a certain public road therein named.

To legalize a certain election precinct in Wilcox county.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled bills as follows :

An act to alter and amend the charter of the town of Eu-
faula, in Barbour county ;

An act to authorize the Superintendent of Public Schools to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in the county of Franklin ;

An act to incorporate the Talladega Insurance Company ;

An act to legalize election precincts Nos. 18 and 19 in Talla-
dega county ;

An act to amend an act to authorize and regulate the busi-
ness of Banking, approved 12th February, 1850 ;

An act to amend the charter of the town of Marion, in the
county of Perry ;

An act to incorporate the Alabama Fire Engine Company.

The question pending when the Senate adjourned, was on
the amendment hertofore offered by Mr. Felder.

Mr. H. C. Jones moved to lay it on the table, which was
carried.

Yeas 15 ; nays 13.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Baker, Bethea, Bradford,
Cocke, Hewlett, Hobdy, Jemison, H. C. Jones, Kimball,
Malone, Patton, Prince and Taylor.

Those who voted in the negative, are :

Messrs. President, Ashley, Bacon, Brindley, Felder,
Gunn, E. P. Jones, Nelson, Peterson, Powell, Searcy, Webb
and B. F. Wilson.

Mr. Bethea moved to strike out "\$600,000" in section 11,
with a view of inserting "\$800,000," which was adopted.

The consideration of the bill was suspended in order to
consider the bill to incorporate the Society Hill Male and Fe-
male Academy, said bill having been vetoed by the Governor.

The bill passed notwithstanding the veto.

Yeas 22 ; nays 1.

Those who voted in the affirmative, are :

Messrs. President, Acklin, Ashley, Baker, Bethea, Cocke,
Felder, Gunn, Hobdy, Jemison, H. C. Jones, Kimball, La-

mar, Malone, Nelson, Patton, Peterson, Powell, Prince, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are:

Mr. Brindley.

The Senate resumed the consideration of the bill to close the remaining business of the State Bank and Branches.

Mr. Taylor moved an amendment to section 11, by way of substitute, which was adopted.

Mr. Powell moved to amend by way of substitute for the bill—

Pending the consideration of which, the Senate adjourned until 7 o'clock this evening.

NIGHT SESSION.

On motion of Mr. Gunn, the regular order of business was suspended, in order to take up the message from the House.

Also to allow the committee on Accounts to make a report.

Also the Judiciary committee.

Mr. Brindley, from the committee on Accounts, reported favorably on the bill for the benefit of certain bills therein named, with various amendments thereto.

Which was adopted, and the bill read a third time and passed.

Mr. Brindley, from the Select committee, reported favorably on the bill to complete the Tract Books in the Comptroller's office.

The bill was read a third time and passed.

Mr. Brindley, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the town of Montevallo, praying the passage of a bill to prevent the sale of spirituous or vinous libuors in the town of Montevallo and vicinity, reported a bill accordingly.

Which was read first, second and third time forthwith, and passed.

Mr. Brindley, from the same committee, reported the bill to repeal an act therein named, approved December 16th, 1852, in regard to the sale of sirituous liquors in the town of Elyton, with amendments, and recommended its passage.

On motion of Mr. Nelson, the bill and report were laid on the table.

Mr. Acklin, from the Judiciary committee, reported favorably on the bill for the relief of Wm. H. Maynor.

The bill was read a third time and passed.

Mr. Patton, from the committee on Inland Navigation, to whom was referred the joint resolutions in regard to the Mobile Harbor and navigable rivers of Alabama, reported that it was inexpedient to legislate on the subject.

The report and resolutions were laid on the table.

Mr. Patton, from same committee, to which was referred the bill to incorporate the Talladega and Tallapoosa Mining Insurance Trust Company, reported a substitute therefor, and recommended its passage.

The substitute was adopted, and the bill read a third time and passed.

The joint resolution of the General Assembly providing for a call of a convention, was re-committed to the Judiciary committee.

The committee reported the resolutions back with an amendment, which was adopted, and the bill read a third time and passed.

The bill to incorporate the Mobile and Great Northern Railroad Company was referred to a select committee, composed of Mrssrs. Bethea and Prince.

The amendments made by the House to the Senate bills as follows—

To incorporate the Marion Insurance and Trust Company ;

To incorporate Lyon Marine Fire Insurance Company at Demopolis, Alabama;

For the relief of James Foshees, of Conecuh county ;

To amend an act requiring the Governor to cause patents to issue to certain land therein named, to Mary Stephens, and others, approved 10th February, 1852.

To incorporate the Macon County Railroad Company, were severally concurred in by the Senate.

The Senate refused to concur in the amendment made by the House to the Senate bill to amend an act approved February 9th, 1854, authorizing Courts of County Commissioners to establish, abolish or change the places of voting in election precincts.

The amendments of the House to the bills to increase the tax on peddling in the county of Pike, and—

For the relief of James J. Sublett and David Lankstone, were concurred in.

The House bills—

For the benefit of certain persons therein named ;

To amend an act therein named so far as relates to Autauga county ;

To compensate surgeons and physicians in certain cases.

To amend an act entitled an act to incorporate the Græfenburg Medical Institute ;

For the benefit of certain persons therein named :

Were severally read a third time and passed.

The House bill constituting Geo. W. Rodgers a liner, &c., was taken from the table.

The Senate refused to pass the bill.

House bills—

To incorporate the Pickens Insurance Company;

To divorce Elijah Harris from his wife, Martha Harris, and other persons therein named;

For the relief of the School Commissioners of Marshall ;

To establish a Medical Board in the county of Pickens ,

To compensate physicians for certain services therein named;

Were severally read three times and passed.

The bill supplementary to an act entitled an act to regulate the system of Public Schools in the county of Mobile, approved January 16th, 1854, was read first and second times.

Mr. Bethea moved to amend first and second sections, which were adopted, and also to strike out all in the bill after the second section, which was adopted.

The bill was read a third time and passed.

Message from the House by Mr. Chapman.

Mr. President :

The House has originated and passed a bill—

To incorporate the Florence Insurance Company ;

The bill for the relief of shippers of produce and merchandise on railroads, was read the first time, and ordered to a second reading.

The bill supplemental to an act entitled an act to make a loan to the Alabama and Tennessee River Railroad Company, was read first and second times, and referred to the Judiciary committee.

The bill to incorporate the Selma Receiving and Forwarding Company, was read first and second times and laid on the table.

The bill to enable the trustees of township 13, range 5 east, in Wilcox, to draw the money due said township, was read first and second times, and laid on the table.

The bill making appropriations for the fiscal years 1856 and 1857 was taken from the table.

Mr. Thos. Wilson moved to strike out “\$55,000” and insert “\$15,000” in the appropriation for the payment of members of General Assembly, which was lost.

Yeas 12; nays 13.

The further consideration of the bill was postponed until to-morrow morning.

The bill further defining the liabilities of steamboat officers and owners, was taken from the table.

Mr. B. F. Wilson obtaining leave to withdraw the engrossed ryder heretofore offered by him, and the bill was read a third time and passed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FEBRUARY 13, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Message from the House, by Mr. Chapman :

Mr. President :

The House has originated and passed bills entitled :

An act to authorize Warren Bailey to remove the estate of his ward, Louisa Ann Young, a minor heir of J. A. Young, deceased, from this State to the State of Arkansas ;

An act to amend section 3222 of the Code of Alabama ;

Concerning bail in criminal cases ;

To incorporate the Florence Insurance Company ;

To increase the pay of Petit and Grand Jurors in the county of Cherokee, and for other purposes ;

An act declaring Pigeon alias Shoal Creek a public highway in the county of Covington ;

An act to enable the next of kin of Henry Miller, deceased, to inherit his real estate, &c.

The House has concurred in the amendments of the Senate to the bill entitled, an act to render more efficient the system of Free Public Schools in the State of Alabama, except the following, in which the House refuses to concur, viz :

“Strike out ‘21,’ in second line of section two, and insert ‘19;’ strike out ‘6,’ in second line, and insert ‘7.’”

“Amend section eight, article six, by inserting in second line, after the word ‘act,’ the words ‘except hereinafter provided.’”

“SEC. 10. ART. 6. *Be it further enacted,* That when a township line runs through a city, town or village, the children residing in either of said townships, sent to any chartered school in either of said townships not established in conformity to this act, shall be entitled to receive their pro-rata share of the sixteenth section fund of the township in which said children reside.

“By striking out ‘6,’ where it occurs in the tenth line on the second page, with a view of inserting ‘8.’”

The House has passed Senate bills entitled, as follows :

An act to establish a Medical Board in Greene county ;

To establish a Medical Board in Henry county ;

To allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Warner Macon, deceased, of the county of Macon ;

To regulate the sale of spirituous liquors in precinct No. 5, in Shelby county ;

To appropriate certain sums for improvements in the Penitentiary, and for other purposes ;

To legalize the proceedings of the Commissioners’ Court of Henry county ;

To amend the charter of the city of Montgomery ;

To change the time of holding the Chancery Courts of the counties of Benton and Talladega ;

To incorporate the Madison Rifles ;

To pay Brittan & Blue for printing ;

To amend section 939 of the Code of Alabama ;

To incorporate the North Alabama Insurance Company, at Huntsville ;

To authorize the consolidation of the stock of the Atlanta and LaGrange Railroad Company, of the State of Alabama, and for other purposes therein named ;

To amend section 1186 of the Code of Alabama ;

To incorporate the Jackson Guards, in Autauga county ;

Also, joint resolutions for printing and distributing the Report of the State Geologist ;

Also, preamble and resolutions to the Congress of the U. S. in reference to duty on Railroad iron.

Message from the Governor, by Mr. Catlin :

Mr. President :

His Excellency the Governor has approved bills, which originated in the Senate, of the following titles :

An act to authorize the Superintendent of Public Schools to transfer a certain amount of money from township 9, range 12, to township 7, range 12, in Franklin county ;

An act to incorporate the Alabama Fire Engine Company, No. 2 ;

An act to amend the charter of the town of Marion, in the county of Perry ;

An act to amend an act to authorize and regulate the business of banking, approved 12th February, 1850 ;

An act to alter and amend the charter of the town of Eu-
faula, Barbour county.

The bill to be entitled an act to incorporate the Alabama
Roofing Slate Company, is herewith returned to the Senate
without the approval of the Executive, and accompanied with
his objections thereto.

The House bill to provide for the registration and burning
of certain mutilated notes of the State Bank and Branches,
was read the third and passed.

Yeas 18 ; nays 11.

Those who voted in the affirmative, are :

Messrs. Ashley, Bacon, Baker, Brindley, Cocke, Felder,
Gunn, Hobdy, Jenkins, E. P. Jones, Kimball, Peterson,
Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Bethea, Hewlett,
Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton and
Thomas Wilson.

The amendments of the committee to the bill making ap-
propriations for the fiscal years, 1856 and 1857, were concur-
red in, and the bill read the third time and passed.

The House bill to amend section 573 of the Code and for
other purposes, was read the first time and ordered to a second
reading.

The bill to provide for the closing of the remaining busi-
ness of the State Bank and Branches was taken.

The question pending on the substitute offered by Mr. Pow-
ell, Mr. Powell moved to amend so as to give the election of
Commissioners to the General Assembly.

The amendment was laid on the table.

Yeas 18 ; nays 11.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Ashley, Baker, Bethea, Cocke,
Gunn, Jemison, H. C. Jones, Kimball, Lamar, Malone, Pat-
ton, Peterson, Prince, Taylor, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. President, Bacon, Brindley, Felder, Bethea, Hob-
dy, Jenkins, E. P. Jones, Nelson, Powell, Searcy and B. F.
Wilson.

Mr. Thomas Wilson moved to strike out \$2500 in section
3d, and insert \$2000, which was lost.

Yeas 9 ; nays 17.

Those who voted in the affirmative, are :

Messrs. Abernathy, Bacon, Brindley, Felder, Hobdy, E. P.
Jones, Searcy, Thos. Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. President, Acklin, Ashley, Bethea, Cocke, Gunn, Hewlett, Jemison, Jenkins, H. C. Jones, Malone Nelson, Patton, Powell, Prince, Taylor and Webb.

Mr. Bethea moved to insert the name of H. B. Holcombe, in the third section.

Mr. Powell moved to lay the amendment on the table, which was lost.

Yeas 11 ; nays 17.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Bacon, Brindley, Felder, Hewlett, Hobdy, Jenkins, E. P. Jones, Powell, Searcy and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Baker, Bethea, Cocke, Gunn, Jemison, H. C. Jones, Kimball, Lamar, Malone Nelson, Patton, Prince, Taylor, Webb and Thos. Wilson.

The question recurred upon Mr. Bethea's motion, which prevailed.

Yeas 15 ; nays 13.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Baker, Bethea, Cocke, Gunn, Jemison, H. C. Jones, Kimball, Lamar, Patton, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Ashley, Bacon, Brindley, Felder, Hewlett, Hobdy, Jenkins, E. P. Jones, Malone, Powell, Searcy, Thos. Wilson and B. F. Wilson.

Mr. Jemison moved to lay the substitute, offered by Mr. Powell, on the table, which was carried.

Yeas 16 ; nays 11.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Baker, Bethea, Cocke, Gunn, Jemison, H. C. Jones, E. P. Jones, Kimball, Malone, Patton, Peterson, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. President, Ashley, Bacon, Brindley, Felder, Hobdy, Jenkins, Lamar, Nelson, Powell and Searcy.

The bill was read the third time, and passed.

Yeas 17 ; nays 11.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Cocke, Gunn, Jemison, H. C. Jones, Kimball, Lamar, Malone, Patton, Prince, Taylor and Webb.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Felder, Hobdy, E. P. Jones, Nelson, Peterson, Powell, Searcy, Thos. Wilson and B. F. Wilson.

The Senate proceeded to the consideration of the bill to render more efficient the system of Free Public Schools in the State of Alabama.

The Senate receded from its first amendment to said bill.

The Senate also receded from its second amendment to the bill proposing 8 per cent.

Yeas 15 ; nays 10.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Ashley, Baker, Brindley, Gunn, Hewlett, Hobdy, H. C. Jones, E. P. Jones, Malone, Searcy, Webb and Thos. Wilson.

Those who voted in the negative, are :

Messrs. President, Bacon, Cocke, Felder, Jemison, Kimball, Peterson, Prince, Taylor and B. F. Wilson.

The Senate refused to recede from its two last amendments.

Yeas 11 ; nays 15.

Those who voted in the affirmative, are :

Messrs. Acklin, Bacon, Brindley, Hobdy, E. P. Jones, Lamar, Malone, Nelson, Patton, Taylor and Thomas Wilson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Ashley, Baker, Cocke, Felder, Gunn, Jemison, H. C. Jones, Kimball, Peterson, Powell, Prince, Searcy and Webb.

The House bill to incorporate the Wetumpka Wharf Company, was taken from the table.

Mr. Powell offered an amendment which, together with the bill, was referred to the Judiciary committee.

The Senate proceeded to reconsider the bill to incorporate the Alabama Roofing Slate Company, together with the following veto Message from the Governor :

EXECUTIVE DEPARTMENT, }
February 13, 1856. }

To the Senate :

The "bill to be entitled an act to incorporate the Alabama Roofing Slate Company" can have but one object in view—the confiscation of private property to the use of the Company for the construction of a private Railroad. Apart from this, there is nothing in it not allowed to every citizen of the State, in the exercise of his vocation. I can see no more necessity for incorporating this Company than to incorporate one to get shingles. If it be necessary to incorporate it at all, is is al-

ready fully provided for by the general law in the Code, with the exception of the right to confiscate private property for a Railroad for its exclusive use—to the granting of which right I am opposed, as decidedly unconstitutional.

I return the bill without my approval.

Respectfully,

JOHN A. WINSTON.

The bill passed, notwithstanding the veto.

Yeas 17 ; nays 4.

Those who voted in the affirmative, are :

Messrs. Abernathy, Ashley, Bacon, Bethea, Cocke, Gunn, Jemison, H. C. Jones, Kimball, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Brindley, E. P. Jones Searcy, and Thos. Wilson.

The Senate proceeded to reconsider the bill to incorporate the Spring Hill Male and Female Academy, which was vetoed by the Governor.

The bill passed, notwithstanding the veto.

Yeas 18 ; nays 5.

Those who voted in the affirmative, are :

Messrs. Acklin, Ashley, Baker, Bethea, Cocke, Felder, Gunn, Jemison, H. C. Jones, Lamar, Malone, Nelson, Patton, Peterson, Prince, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Brindley, E. P. Jones, Searcy and Thomas Wilson.

Message from the House by Mr. Chapman :

Mr. President :

The House has receded from its disagreements with the Senate, in reference to Senate amendments to School Bill, and has concurred in the amendments from which the Senate refused to recede.

Mr. Kimball, from the committee on Enrolled bills, reported as correctly enrolled, the following bills.

An act to increase the amount of tax on peddling in the county of Pike ;

An act to authorize the issuance of patents in certain cases ;

An act to authorize the Court of County Commissioners of Madison and Jackson counties to pay certain persons for certain services therein mentioned.

A Joint memorial of the Senate and House of Representatives of the General Assembly of the State of Alabama, to the Congress of the United States.

An act in relation to hunting wild hogs in Marengo and other counties therein named.

An act for the relief of William Norton.

An act to increase the license to sell ardent spirits within three miles of the city of Montgomery.

An act to authorize James L. Murphy, of the county of Greene, and others, to peddle books in this State without license.

An act for the relief of William T. DeWitt, of Barbour county.

An act to compensate Thomas L. Locke, of Barbour county.

An act for the relief of John C. Hawkins, the heirs of Allen K. Curry, A. Downing, W. J. Ingram and Aaron Greene.

An act to amend section 939 of the Code of Alabama.

The House Bills :

Declaring Pigeon alias Shoal Creek, a public highway in the county of Covington.

To incorporate the Florence Insurance Company ;

To regulate the license of peddlers in Chambers county ;

For the relief of Horatio Ferguson and Jeremiah Laffarlett, of Marshall county ;

To amend the charter of the Western R. R. Company, of Alabama ;

To divorce Thomas Carroll from his wife Rebecca Carroll, and to divorce other persons therein named ;

To divorce Caroline Grubbs from her husband, Morgan Grubbs.

To legalize certain election precincts in Wilcox county ;

To compensate J. W. Faith, Sheriff of Washington county ;

To increase the pay of Grand and Petit Jurors in the county of Cherokee, and for other purposes ;

For the relief of M. W. Creagh, guardian of the minor heirs of G. W. Creagh deceased ;

For the relief of Peter McGehee, late Tax Collector of Pickens county ;

To divorce George W. Watson from his wife Maranda Watson, and to divorce other persons therein named ;

To amend section 3222 of the Code ;

Concerning bail in criminal cases ;

For the relief of the Deaf and Dumb in this State ;

To amend section 1946 of the Code, in relation to the duties of Grand Jurors :

To change and modify section 2706 of the Code, in relation to the lien on Steamboats ;

To regulate the distribution of property in certain cases ;

To appoint Commissioners for the town of Warrenton, in Marshall county ;

To pay Samuel F. Rice and others for servant hire ;

To amend section 2806 of the Code ;

To authorize Benjain Perry to erect gates across a public road therein named ;

To authorize A. M. Woods to erect gates across a certain road therein named ;

To pay Phillip D. Roddy a certain sum of money ;

To authorize Warner Bailey to remove the estate of his ward, Louisa Ann Young, a minor heir of James A. Young, deceased, from this State to the State of Arkansas ;

To explain an act therein named ;

To authorize the Commissioners Court of Choctaw county to establish an election precinct ;

To incorporate the Wetumpka Insurance Company ;

To enable the next of kin of Henry Miller, deceased, to inherit his real estate ,

For the benefit of Frederick Perquer ;

To repeal, in part, an act to regulate the pay of Grand and Petit Jurors for Covington county, and for other purposes ;

To repeal sections 939, 940 and 941 of the Code, so far as relates to Barbour county ;

To incorporate the Central Agricultural Society, at Selma.

To incorporate the Wetumpka Steamboat Company, were severally read the first, second and third times forthwith and passed.

The bill to incorporate the Selma Receiving and Forwarding Company, was read a third time and passed.

The bill to prohibit the sale of ardent spirits in High Log Beat was read once—the Senate refused to order it to a second reading ;

The joint resolutions from the House, in relation to the loaning and appropriating money out of the State Treasury, was indefinitely postponed.

The House bill to amend section 2500 of the Code, was laid on the table—as was also,

The House bill to prohibit the teaching of slaves to read and write.

The bill to prohibit gambling on Steamboats was read the first and second time, and ordered to a third reading.

Yeas 16, nays 8.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Ashley, Baker, Brindley,

Gunn, Hobdy, H. C. Jones, E. P. Jones, Malone, Nelson, Patton, Prince, Taylor, Webb and Thomas Wilson.

Those who voted in the negative, are :

Messrs. Cocke, Hewlett, Jemison, Lamar, Peterson, Powell, Searcy and B. F. Wilson.

The bill to repeal, in part, an act therein named, was indefinitely postponed.

The House bill for the benefit of certain persons therein named was read first and second time, and referred to the committee on Accounts and Claims.

The House bill relating to the taxes in the City of Mobile, was read first and second time.

Mr. Bethea offered an amendment, which was adopted and the bill read a third time and passed.

The House bill to apportion Representatives among the several counties of this State, and to divide the State into Senatorial Districts, was read the first and second time, and made the special order for to-morrow at 11 o'clock.

The House bill to incorporate and aid the Alabama Agricultural Society, was made the special order for to-morrow at 10 o'clock.

On motion of Mr. Malone, the vote ordering the passage of the bill to amend section 2806, of the Code, was reconsidered, as, also, ordering the bill to a third reading.

Mr. H. C. Jones moved to amend, by striking out "Franklin" where it occurs, which was adopted and the bill read a third time and passed.

Message from the House by Mr. Chapman :

Mr. President :

The House has concurred in the amendments made by the Senate to House bills, entitled as follows :

Supplimentary to an act to regulate the system of Public Schools in the county of Mobile, approved January 16, 1856.

An act for the benefit of certain persons therein named.

The House has originated and passed bills entitled :

An act to incorporate the Rock Island Coosa Mining Company.

To incorporate and aid the Alabama State Agricultural Society of the State of Alabama ;

To incorporate the Mobile & Great Western Rail Road Company ;

To equalize the Homestead Exemption Act :

Requiring owners of landings on navigable rivers of this State to put up sign-boards ;

To amend an act therein named ;

For the relief of John Lawrence, of Cherokee county ;
 For the relief of J. C. Alford and Jef. M. Townsend, of
 Pike county.

To authorize Daniel Roberts to erect a gate across a public
 road therein named ;

To explain an act therein named ;

An act to authorize A. M. Woods to erect gates across cer-
 tain roads therein named :

To prohibit the sale of ardent spirits in High Log Beat ;

To amend section 2806 of the Code ;

To authorize Benjamin Perry to erect a gate across a cer-
 tain public road therein named ;

To pay Phillip D. Roddy a certain sum of money ;

To amend section 3500 of the Code of Alabama ;

To repeal in part an act to regulate the pay of Grand and
 Petit Jurors for the county of Covington, and for other pur-
 poses ;

To repeal sections 939, 940 and 941 of the Code, so far as
 Barbour county is concerned ;

To prohibit gambling on steamboats ;

To repeal in part a certain act therein named :

For the benefit of Frederick Perquer ;

To prohibit the teaching of slaves to read and write ;

To legalize certain election precincts in Wilcox county ;

In relation to taxes in the city of Mobile.

The Senate then adjourned until to-morrow half past 9
 o'clock.

FEBRUARY 14, 1856.

The Senate met pursuant to adjournment.

On motion of Mr. Searcy,

Resolved, That with the concurrence of the House of Rep-
 resentatives, the two Houses will meet in the hall of the
 House to-day at 12 o'clock, m., for the purpose of electing a
 Superintendent of Free Public Schools—amended by adding
 also, Trustees of the University of the State of Alabama for
 the third and seventh Judicial Circuits.

Message the House by Mr Chapman.

Mr. President :

The House has passed Senate bills entitled :

To incorporate the Chunnenugee Insurance Company ;

To authorize the Governor to issue certain Sixteenth Sec-
 tion patents therein named ;

To incorporate the Middle Alabama Railroad Company—
 amended by both Houses :

To compensate Samuel F. Rayburn, of Marshall county, for certain services therein named ;

To repeal an act to fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties ;

To amend section 1953 of the Code of Alabama ;

To compensate Jurors and Constables in Justices' Courts ;

To provide for the burial expenses of the poor ;

In respect to the guardianship of the property of non-resident minors ;

Fixing the time for holding certain Courts therein named ;

In relation to the rights and liabilities of Stockholders in Railroads and other incorporations by the laws of this State ;

To amend an act therein named ;

To incorporate Ahsbury Female Institute, at LaFayette, in Chambers county ;

To incorporate the Southern Female College.

The House has concurred in Senate amendments to joint resolutions of the General Assembly of the State of Alabama, providing for the call of a convention.

The House has reconsidered and refused to pass an act to incorporate Society Hill Academy, which was vetoed by the Governor.

The House has originated and passed a bill entitled an act altering the mode of assessing and collecting the tax in certain cases ;

To amend a certain act therein named.

The House has concurred in Senate amendments to an act for the benefit of certain persons therein named.

The House has refused to recede and concur in the amendments of the Senate striking out various items, and has concurred in amendments added by the Senate to an act for the benefit of certain persons therein named.

The bill to prohibit the teaching of slaves to read and write, was taken from the table and read the first and second times.

Mr. Patton moved to amend as follows :

Provided, Nothing herein contained shall prevent owners teaching their own slaves, or having them taught to read in their own families, not by public teachers.

Mr. Jenkins moved to lay the amendment on the table.

Yeas 18 ; nays 11.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Bacon, Bethea, Cocke, Felder, Gunn, Hobdy, Jemison, Jenkins, Kimball, Lamar, Peterson, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Acklin, Baker, Brindley, Hewlett, H. C. Jones, E. P. Jones, Malone, Nelson, Patton and Thomas Wilson.

The bill was then read the third time and passed.

Yeas 18 ; nays 9.

Those who voted in the affirmative, are :

Messrs. President, Acklin, Ashley, Bacon, Bethea, Cocke, Felder, Gunn, Jemison, Jenkins, Lamar, Peterson, Powell, Prince, Searcy, Taylor, Webb and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Abernathy, Brindley, Hewlett, Hobdy, H. C. Jones, E. P. Jones, Malone, Nelson and Patton.

Message from the Governor :

Mr. President :

His Excellency, the Governor, has approved of bills which originated in the Senate of the following titles :

An act for the relief of James Foshee, of Conecuh county ;

An act to increase the amount of tax on peddling in the county of Pike ;

An act to authorize the Court of County Commissioners of Madison and Jackson counties, to pay certain persons for certain services therein mentioned.

Message from the House of Representatives:

Mr. President :

The House has reconsidered and passed a House bill entitled an act for the further security and protection of the State in Railroad loans, notwithstanding the Executive veto.

The House has also concurred in the resolution of the Senate to bring on to-day at 12 o'clock, M., the election for Superintendent of Free Public Schools, and also Trustees of the University of Alabama for the seventh and third Judicial Circuits.

The House has instructed me to request the Senate to return a bill entitled an act for the relief of certain persons therein named.

The House returns to the Senate a bill entitled an act to explain a certain act therein named.

The House bill to incorporate the Florida and Alabama Union Railroad Company, was read the first and second times.

Mr. Felder offered an amendment, which was adopted.

The bill was then read the third time and passed.

Mr. Gunn offered the following resolution, which was adopted :

Resolved, That the President of the Senate, be, and he is hereby requested to give such certificate in favor of the Hon. James H. Clanton, executor of the last will and testament of the Hon. Nathaniel H. Clanton, late a member of the Senate from Macon county, as will authorize said executor to draw the mileage and per diem due said estate.

The Senate proceeded to reconsider the House bill, for the further security and protection of the State in Railroad loans, together with the veto message.

The bill passed notwithstanding the veto.

Yeas 22 ; nays 4.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bacon, Cocke, Felder, Hewlett, Hobdy, Jemison, E. P. Jones, Kimball, Lamar, Malone, Patton, Peterson, Powell, Prince, Taylor, Webb, Thomas Wilson and B. F. Wilson.

Those who voted in the negative, are :

Messrs. Bethea, Brindley, Gunn and H. C. Jones.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled, the following bills :

An act to authorize Warner Bailey, to remove the estate of his ward, Louisa Ann Young, a minor heir of James A. Young, from this State to the State of Arkansas ;

For the relief of Sarah Ann Clark, of Morgan county and others ;

For the relief of the Commissioners of Marshall county ;

An act to compensate J. W. Faith, Sheriff of Washington county ;

An act to amend an act entitled an act to incorporate the Græffenberg Medical Institute ;

An act to incorporate the Pickens Insurance Company ;

An act to repeal in part and to amend an act therein named ;

An act to divorce Elijah Harris from his wife, Martha Harris, and to divorce other persons therein named ;

An act to incorporate the Mobile and Great Northern Railroad Company ;

An act to amend an act therein named, so far as relates to Autauga county ;

An act to repeal an act to fix the pay of Judges of Probate and Sheriffs of Henry and Dale counties ;

An act in regard to the guardianship of the property of non-resident minors ;

An act for the benefit of certain persons therein named ;

An act to incorporate and aid the Alabama State Agricultural Society, in the State of Alabama ;

An act to establish a Medical Board in the county of Pickens ;

An act to compensate Physicians for certain services therein named ;

An act to compensate Surgeons and Physicians in certain cases therein named ;

An act to change the time of holding the Circuit Courts of the counties of Jefferson and St. Clair, and to extend the time for the county of St. Clair ;

An act making appropriations for the fiscal years, 1856 and 1857 ;

An act to explain an act therein named.

Message from the House by Mr. Chapman :

Mr. President :

The House has originated and passed a bill to pay a certain claim against the State ;

To repeal an act therein named ;

To establish a Medical Board in the county of Coffee ;

To authorize James L. Davis, to erect gates on a certain road in Lowndes county ;

To restrict the County Court Commissioners of Franklin county.

The House has reconsidered and passed an act to incorporate the Alabama Roofing State Company, notwithstanding the Executive veto.

On motion of Mr. Jemison,

Resolved, That the House be requested to return to the Senate the bill to be entitled an act to explain an act therein named.

The House bill to apportion Representatives among the several counties of this State, being on its second reading, Mr. Cocke offered an amendment, which was adopted and the bill read the third time and passed.

Message from the House by Mr. Elmore:

Mr. President :

I am instructed by the House of Representatives to invite the Senate into the hall of the House for the purpose of electing a Superintendent of Free Public Schools of this State, and Trustees of the University of Alabama, for the seventh and third Judicial Circuits.

The Senate repaired to the hall of the House of Representatives and the convention proceeded to the election of a Superintendent of Free Public Schools in this State.

Mr. William F. Perry being alone in nomination, and having all the votes cast, except a few who voted for Mr. Hobbs,

was declared to be duly elected for the term prescribed by law.

The convention then adjourned and the Senate repaired to its Chamber.

On motion of Mr. Baker,

Resolved, That with the concurrence of the House, the two Houses will meet in joint convention to elect a Trustee for the University of the State of Alabama for the ninth Judicial Circuit, at 4 o'clock, p. m., inst.

The House bill to incorporate and aid the Alabama Agricultural Society, was read the first and second times.

Mr. Brindley moved to strike out the third section.

Lost.

Yeas 7 ; nays 22.

Those who voted in the affirmative, are :

Messrs. Brindley, Felder, Hobdy, Jones of Fayette, Searcy and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. President, Abernathy, Acklin, Ashley, Baker, Bethea, Cocke, Gunn, Hewlett, Jemison, Jenkins, Kimball, Malone, Nelson, Patton, Peterson, Powell, Prince, Taylor, Webb and Wilson of Pickens.

The bill was read the third time and passed.

Yeas 20 ; nays 5.

Those who voted in the affirmative, are :

Messrs. President, Acklin, Ashley, Bethea, Cocke, Gunn, Hewlett, Jemison, H. C. Jones, Malone, Nelson, Patton, Peterson, Powell, Prince, Searcy, Taylor, Webb and Wilson of Pickens.

Those who voted in the negative, are :

Messrs. Bacon, Brindley, Felder, E. P. Jones and Wilson of Jackson.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled :

An act fixing the time of holding certain courts therein named.

Message from the House by Mr. Chapman, informing the Senate that the House concurred in the resolution of the Senate, proposing to elect a Trustee of the University of the State of Alabama, at 4 o'clock, p. m.

The Senate then adjourned until half past 3 o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Acklin reported favorably on the bill, together with

amendments thereto, to incorporate the Wetumpka Wharf Company.

The amendments were adopted and the bill read the third time and passed.

Mr. Acklin also reported favorably on the bill supplemental to an act entitled an act to make a loan to the Alabama and Tennessee River Railroad Company.

Mr. Cocke moved to suspend the rule and let the bill pass.

Lost.

Yeas 16 ; nays 10.

Those who voted in the affirmative, are :

Messrs. President, Abernathy, Acklin, Ashley, Bethea, Cocke, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Nelson, Peterson, Powell and Wilson of Jackson.

Those who voted in the negative, are :

Messrs. Bacon, Baker, Brindley, Felder, Gunn, Hobdy, Jenkins, E. P. Jones, Prince and Taylor.

The bill was ordered to a third reading.

The Senate then proceeded to reconsider the bill to amend section 939 of the Code, together with the following message from the Governor.

EXECUTIVE DEPARTMENT, }
February 14, 1856. }

To the Senate :

I return to the Senate, without my approval, "a bill to be entitled an act to amend section 939 of the Code of Alabama."

The section proposed to be amended, reads as follows: "No foreign corporation, invested with the privilege of banking, must exercise the same by agent in this State, except by the exclusive use of gold and silver coin, and bank bills issued by the authority of this State." A more wholesome provision, in my judgment—sustained by experience and the laws of banking and trade—does not exist on the statute books of the State ; a statute most indispensable for the protection of the public at this time, when the rage for the creation and use of banks and paper money rules as a monetary epidemic in this and other States.

By the passage of this bill, we invite bank agencies of whatever character, without distinction, to come in and flood the State with their promises to pay, with no power to compel a redemption of the notes thrown into circulation by them.

The propriety of maintaining the present general provision

on the subject, seems to me so apparent that argument is not needed.

Respectfully,

JOHN A. WINSTON.

The bill passed notwithstanding the veto.

Yeas 19 ; nays 5.

Those who voted in the affirmative, are :

Messrs. Abernathy, Acklin, Ashley, Baker, Cocke, Gunn, Hewlett, Hobdy, Jemison, Jones of Franklin, Jones of Fayette, Kimball, Lamar, Nelson, Peterson, Prince, Searcy, Taylor and Webb.

Those who voted in the negative, are :

Messrs. President, Bacon, Felder, Jenkins and Wilson of Jackson.

Mr. Acklin, from the Judiciary committee, reported back the bill to change the time of the meeting of the General Assembly.

The report and bill were laid on the table.

Mr. Acklin, from same committee, reported unfavorably on the joint resolutions proposing the call of a convention to alter and reform the Constitution of the State of Alabama, in as much as a bill had passed both branches of the Legislature on the same subject.

The bill and report were both laid on the table.

The bill for the relief of shippers of produce and merchandize on Railroads, was taken from the table.

Mr. Gunn offered a substitute, which was adopted and the bill ordered to a third reading.

Message from the House by Mr. Elmore.

Mr. President :

I am instructed by the House of Representatives, to invite the Senate into the hall of the House for the purpose of electing a Trustee of the University of Alabama for the ninth Judicial Circuit.

The Senate proceeded to the hall of the House.

The convention then proceeded to the election of a Trustee of the University of Alabama, for the ninth Judicial Circuit.

Mr. M. C. Blanchard alone being in nomination, and having received the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Trustee of the University of the State of Alabama for the ninth Judicial Circuit, for the term prescribed by law.

The House bills—

To amend the charter of the Western Railroad Company of Alabama ;

To incorporate the Eutaw Insurance Company ;
 Were read the first, second and third times and passed.

The bill for the relief of Jacob Bently and Lucy Ann Catton, was taken from the table, read the third time and passed.

The bill for the relief of Williams Chancellor, of Coosa county, was read the second time ; and,

Mr. Pqwell moved to amend by inserting the name of " Williams Chancellor," after the word " dollar," wherever it occurs.

Adopted.

The bill was read the third time and passed.

The House bill to divorce Mary E. Gilder from her husband, Thadeus W. Gilder, and to divorce other persons therein named ;

The House bill to authorize James L. Davis, of Lowndes county, to erect gates on a certain road in said county ;

The bill making appropriations to certain persons therein named ;

For the relief of J. C. Alford and Jefferson M. Townsend, of Pike county ;

To reclaim swamp lands in this State ;

To incorporate the Shelby Lime Company ;

To incorporate the Rock Island Coosa Mining Company ;

To declare Luxapalila Creek, in Fayette county, a public highway ;

To authorize Benjamin Perry to erect a gate across a certain road therein named ;

To amend the charter of the West Point, Georgia and Tennessee River Railroad Company ; and,

The joint memorial of the General Assembly of the State of Alabama to the President of the United States ;

Were severally read the first, second and third times and passed.

Message from the Governor by Mr. Catlin :

Mr. President :

His Excellency, the Governor, has approved of bills which originated in the Senate, of the following titles :

An act to authorize the Governor to issue certain Sixteenth Section patents therein named ;

An act to authorize the issuance of patents in certain cases ;

An act to authorize certain persons therein named, to erect a fish trap on Flint River, in Madison county ;

An act fixing the time for holding certain Courts therein named ;

An act to amend an act therein named ;

An act to provide for the burial expenses of the poor ;

An act to legalize the proceedings of the Commissioners Court of Henry county ;

An act to pay Brittan & Blue for printing ;

An act for the relief of James J. Sublett and David Lankston ;

An act to allow the Probate Judge of Montgomery county to take jurisdiction of the estate of Warner Macon, deceased, of Macon county ;

An act in relation to the rights and liabilities of stockholders in Railroads and other Companies, incorporated by the laws of this State ;

An act to incorporate the Jackson Guards in Autauga county ;

An act to authorize the consolidation of the stocks of the Atlanta and LaGrange Railroad Company, and of the West Point and Tennessee River Railroad Company of the State of Alabama, and for other purposes therein named ;

An act to establish a Medical Board in the county of Henry ;

An act to establish a Medical Board in the county of Greene ;

Joint resolutions for printing and distributing the report of the State Geologist.

The House bills—

The better to preserve the journals of the General Assembly of the State of Alabama ;

To permit sheriffs to take bonds in certain cases ;

To authorize the issuance of writs of attachment ;

To prohibit the retail or sale of ardent spirits within three miles of Spring Hill Academy, in Montgomery county ;

To authorize John Warwick to build a dam across the Warrior, in Blount county ;

To pay certain claims against the State ;

For the relief of Thos. Canaway, of Coosa county.

To authoribe Daniel Roberts to erect a gate across a public road therein named ;

To pay Goldberry Ray a certain sum of money for provisions and forage furnished the United States mounted troops during the war with the Creek Indians in 1837,—

Were severally read the first, second and third time and passed.

The House bill for the relief of Jane Crintzberry of Mobile county, was read the first and second time, and ordered to a third reading.

The House bills—

For the relief of James W. Jeter, of Coosa county ;

The more effectually to secure the apprehension or retaking of persons charged with criminal offences ;

And to authorizeing the building of a mill dam in Monroe county—

Were severally read the first, second and third time and passed.

The rule being suspended, Mr. Powell introduced a bill to amend an act entitled an act to incorporate the South and North Alabama Railroad Company.

Which was read three times forthwith and passed.

Mr. Felder introduced a bill for the relief of Samuel Marks of Montgomery county, which was three times and forthwith passed.

Mr. B. F. Wilson introduced a bill more effectually to prevent giving or selling to minors spirituous or vinous liquors, which was read the first, second and third time and forthwith passed.

The bill to make permanent the Court-house in the county of Coosa, was indefinitely postponed.

The Senate then adjourned until to-morrow morning 10 o'clock, A. M.

FEBRUARY 15, 1856.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Message from the House by Mr. Chapman :

Mr. President :

The House has reconsidered and passed, notwithstanding the Governor's veto, a bill entitled :

An act to amend section 939 of the Code of Alabama.

Also a House bill entitled an act for the further security and protection of the State in railroad loans.

The House has passed a Senate bill entitled an act for closing the remaining business of the State Bank and Branches, and amended the same by adopting a substitute therefor.

The bill to incorporate the Autaugaville Male and Female Academy ;

The bill for the benefit of Jane Critzberg, of Mobile county ;

The bill to repeal and act therein named ;

The bill to restrict County Court Commissioners of Franklin county ,

And the bill for the relief of John Lawrence, of Cherokee county—

Were severally read the first, second and third time, and passed.

Mr. Patton offered a resolution authorizing the President of the Senate to certify for allowance, the accounts of the assistant clerks employed by the Secretary, at four dollars per day.

On motion of Mr. H. C. Jones, the resolution was amended by striking out "four" and inserting "five."

The resolution as amended was adopted.

The Senate proceeded to consider the amendment of the House to the bill to close the remaining business of State Bank and Branches.

Mr. Powell moved to amend by adding the words "in or out of the State."

The amendment was laid on the table.

The Senate refused to concur with the House in the substitute of the House to said bill.

Mr. Jemison offered the following resolution :

"Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the joint resolution that the two houses adjourn sine die on this day at 12 o'clock M., be, and the same is hereby rescinded, for the purpose of perfecting and agreeing on a bill to be entitled an act to provide for closing the remaining business of the State Bank and Branches, and for no other purpose, except signing bills and receiving messages from the Governor ; Provided, That the time do not extend beyond 6 o'clock this evening.

Which was adopted.

Message from the House by Mr. Chapman :

Mr. President :

The House has concurred in Senate amendments to House bills entitled—

An act for the relief of Wm. Chancellor, of Coosa county;

An act to incorporate Wetumka Wharf Company;

An act to amend an act authorizing the city of Mobile to levy a tax on real estate.

The House has passed a Senate bill entitled—

An act to define more effectually the duties of Tax Assessors in the counties of Henry and Dale.

The House has concurred in all amendments of the Senate to a House bill entitled—

An act for the relief of certain persons therein named.

The House has passed Senate bills entitled—

An act to establish a Medical Board in Greene county;

An act to authorize Thos. Adamson to erect a dam across Tallapoosa River, in Chambers county ;

An act to authorize James D. Hanby, and his successors, to erect a mill dam across the Mulberry Fork of the Warrior River.

The House has concurred in the Senate resolution to postpone the hour of adjournment *sine die* until 6 o'clock.

House has passed Senate bills entitled—

An act to enable Brittan & Blue, State Printers, to have a certain claim against the State adjudicated ;

An act for the relief of Wm. H. Maynor.

The bill to prohibit gambling on steamboats was read the third time and passed.

The vote postponing indefinitely the bill to repeal in part a certain act therein named, was re-considered, and the bill read the third time and passed.

A bill for the relief of the Tax Assessor of Sumter county, and the bill for the relief of R. M. Brooks, were severally read the first, second and third time and passed.

Message from the House by Mr. Chapman :

Mr. President :

The House adheres to its amendment to the Senate bill to provide for closing the remaining business of the State Bank and Branches, and asks for a committee of Conference upon the subject.

The House has appointed Messrs. Cochran, Beck and Curry, said committee on the part of the House.

Messrs. Patton, Jemison and Bethea were appointed a committee on the Senate.

The Senate then adjourned until half past 3 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Kimball, from the committee on Enrolled Bills, reported as correctly enrolled—

An act to define more perfectly the duties of Tax Assessors in the counties of Henry and Dale ,

An act to incorporate the Belmont Male and Female Academy, in Sumter county;

An act to enable Brittan & Blue, late State Printers, to have a certain claim against the State adjudicated;

An act to incorporate the Shelby Coal Company ;

An act to incorporate the Rock Island Coosa Mining Company ;

An act for the relief of certain persons therein named;

An act to authorize Marshall B. Smith and Richard H. Broshien, and their associates, to turnpike a certain road therein named;

An act for the relief of Robert M. Brooks, Tax Collector of Cherokee county;

An act for the relief of Horatio Ferguson and Jeremiah LaFarlette, of Marshall county;

An act for the relief of M. W. Creagh, guardian of the minor heirs of G. W. Creagh, deceased;

An act for the benefit of Frederick Perquer;

An act to regulate the distribution of property in certain cases;

An act in relation to the duties of Grand Jurors;

An act to authorize A. M. Wood to erect gates across a certain road therein named.

An act to amend an act entitled an act to incorporate the South and North Alabama Railroad Company,

An act for the relief of W. H. Maynor;

An act to incorporate the Florence Insurance Company;

An act to increase the pay of Grand and Petit Jurors, in the county of Cherokee, and for other purposes;

An act to compensate Samuel K. Raburn, of Marshall county, for certain services therein named,

An act to authorize the Governor to issue certain sixteenth sections patents therein named;

An act to render more efficient the system of Free Public Schools in the State of Alabama;

An act to incorporate the Ashbury Female Institute, at Lafayette, in the county of Chambers;

An act to amend an act therein named;

An act to provide for the burial expenses of the poor;

An act to incorporate the Southern Female College;

An act to compensate Jurors and Constables in Justices' Courts;

An act to incorporate the Chunneuggee Insurance Company;

An act to incorporate the Macon County Railroad Company;

An act to incorporate the Madison Rifles;

A preamble and joint resolution to the Congress of the United States, in reference to the duty on railroad iron;

An act for the relief of James J. Sublett and David Lankston;

An act to incorporate the Lyon Marine Fire Insurance Company, at Demopolis, Alabama;

An act to incorporate the Marion Insurance and Trust Company ;

An act to change the time of holding the Chancery Courts in Benton and Talladega counties ;

An act to amend the charter of the city of Montgomery ,

An act to regulate the sale of spirituous liquors in precinct No. 5, in Shelby county ;

An act for the relief of the deaf and dumb in this State ;

An act to appoint Commissioners for the town of Warrenton, in the county of Marshall ;

An act to create an additional Company Beat in Jackson county, and for other purposes ;

An act for the relief of S. M. Ingersoll of Russell county ;

An act to incorporate the Selma Receiving and Forwarding Company ;

An act to pay a certain claim against the State ;

An act to authorize the Commissioners' Court of Choctaw county to establish an election precinct ;

An act to divorce Thomas Carroll from his wife, Rebecca Carroll, and to dicoree other persons therein named ;

An act to declare Luxapalila Creek, in Fayette county, a public highway ;

An act to incorporate the Middle Alabama Railroad Com'y ;

An act to amend section 2,806 of the Code ;

An act for the relief of Samuel B. Marks ;

An act to define and establish, definitely, the dividing line between Beat No. 6, more generally known as Alexandria and Colvin Beat, in Benton county ;

An act to incorporate the town of Opelika ;

An act to authorize certain persons therein named to erect a fish trap on Flint River, in Madison county ;

An act to pay Brittian & Blue for printing ;

An act to allow the Probate Court of Montgomery county to take jurisdiction of the estate of Warner Macon, deceased, of Macon county ;

An act to establish a Medical Board in the county of Henry.

An act in relation to the rights and liabilities of stockholders in railroad and other companies, incorporated by the laws of this State.

An act to amend section 1,953 of the Code of Alabama ;

An act supplementary to an act to regulate the system of Public Schools in the county of Mobile, approved January 16, 1854 ;

An act the better to preserve the journals of the General Assembly of the State of Alabama ;

An act to amend section 3222 of the Code of Alabama ;

An act authorizing the building of a mill dam in Marion county ;

An act to enable the next of kin of Henry Miller, deceased, to inherit his real estate ;

An act to repeal an act therein named, and for other purposes ;

An act to authorize the issuance of writs of attachments out of Chancery Courts ;

An act for the benefit of the Tax Assessor of Sumter county ;

An act for the benefit of John M. Weston ;

An act to apportion Representatives among the several counties of this State, and to divide the State into Senatorial Districts ,

An act the more effectually to secure the apprehension or retaking persons charged with criminal offence ;

An act to repeal in part a certain act therein named.

An act to incorporate the Wetumpka Steamboat Company ;

An act to amend the charter of the Western Railroad Company of Alabama ;

An act concerning Railroads in certain cases ;

An act for the relief of Peter McGee, late Tax Collector of Pickens county ;

An act to incorporate the Wetumpka Insurance Company ;

An act to pay Samuel F. Rice and others for servant hire ;

An act to amend section 1946 of the Code ;

An act to repeal section 939, 940 and 941 of the Code, so far as Barbour county is concerned ;

An act to change and modify section 2706 of the Code, in relation to the liens on steamboats ;

An act to incorporate the Central Agricultural Society at Selma ;

An act to divorce Caroline Grubbs from her husband, Morgan Grubbs ;

An act to prohibit the teaching of slaves to read and write ;

An act to amend an act entitled an act to incorporate the South and North Alabama Railroad Company ;

House bill to be entitled an act relating to taxes in the city of Mobile ;

House bill to be entitled an act for the relief of Jane Critzberg, of Mobile county ;

An act for the relief of John Lawrence of Cherokee county :

House bill to be entitled an act to authorize John Warwick to build a dam across the Warrior in Blount county ;

Joint memorial of the General Assembly of the State of Alabama to the President of the United States ;

An act to incorporate the Shelby Lime Company ;

An act to authorize William Weathington, of the county of Walker, to erect a mill dam therein named ;

An act to permit Sheriffs to take bonds in certain cases ;

An act to legalize the proceedings of the Commissioners' Court of Henry county ;

An act to incorporate the North Alabama Insurance Company, at Huntsville ;

An act to appropriate certain sums for improvements in the Penitentiary, and for other purposes ;

An act to authorize the Governor to issue a patent to certain persons therein named ;

An act for the relief of William T. Webb ;

An act to authorize William Adams to erect a dam across the Tallapoosa river in Chambers county ;

An act to establish a Medical Board in the county of Greene ;

An act to authorize James D. Hanby, or his successors, to erect a mill dam across the Mulberry Fork of the Warrior river ;

An act to amend an act therein named, so far as relates to Autauga county ;

An act declaring Pigeon *alias* Shoal Creek, a public highway in the county of Covington ;

An act for the benefit of certain persons therein named ;

An act to divorce Mary E. Gilder from her husband, Thaddeus W. Gilder, and to divorce other persons therein named.

An act to reclaim the swamp and overflowed lands in the State of Alabama ;

Joint resolutions of the General Assembly of the State of Alabama, providing for a call of a convention ;

An act for the relief of James W. Jeter, of Coosa county ;

An act to regulate the license of peddlers in Chambers county ;

An act for the relief of Williams Chancellor of Coosa county ;

An act to amend the charter of the Western Railroad Company of Alabama ;

An act to authorize Daniel Roberts to erect a gate across a road therein named ;

An act to pay Godlsberry Ray a certain sum of money for provisions and forage furnished United States mounted troops during the war with the Creek Indians in 1837 ;

An act to establish a Medical Board in Greene county ;

An act to amend section 1186 of the Code of Alabama ;

Joint resolutions for printing and distributing the report of the State Geologist ;

An act to incorporate the Jackson Guards in Autauga county ;

An act to authorize the consolidation of the stocks of the Atlanta and LaGrange Railroad Company and of the West Point and Tennessee River Railroad Company, of the State of Alabama, and for other purposes therein named ;

The bill to incorporate the town of Somerville, in Morgan county, was read first, second and third times and passed.

Mr. Bethea, from the committee of Conference, on the bill to close the remaining business of the State Bank and Branches, reported a substitute for the original bill.

The report was concurred in and substitute adopted.

Message from the House by Mr. Chapman.

Mr. President :

The House has adopted the following joint resolution :

Resolved, That with the concurrence of the Senate, a joint committee be appointed on the part of each House, to wait on his Excellency, the Governor, and to inform him that the General Assembly will be ready to adjourn *sine die* at 6 o'clock, and to ask of him, whether or not, he has any further communication to make to either branch of the said General Assembly.

Messrs. Cochran, Belser and Chapman, were appointed said committee on the part of the House.

The resolution was concurred in ; and ;

Messrs. Acklin, Baker and Brindley, were appointed said committee on the part of the Senate.

Message from the Governor by Mr. Catlin.

Mr. President :

His Excellency, the Governor, has approved of bills which originated in the Senate of the following titles :

An act to authorize Wm. Adamson, to erect a dam across the Tallapoosa River, in Chambers county ;

An act to provide for closing the remaining business of the State Bank and Branches, and for other purposes ;

An act to authorize James D. Hanby and his successors to erect a mill dam across the Mulberry Fork of the Warrior River ;

An act to amend an act entitled an act to incorporate the South and North Alabama Railroad Company ;

An act for the relief of Wm. T. Webb ;

An act to enable Brittan & Blue, late State Printers, to have a certain claim against the State adjudicated ;

An act to amend an act therein named, so far as relates to Autauga county ;

An act to define more particularly the duties of Tax Assessors in the counties of Henry and Dale ;

An act to authorize the Governor to issue a patent to certain persons therein named :

An act to incorporate the North Alabama Insurance Company, at Huntsville.

Message from the Governor by Mr. Catlin.

His Excellency, the Governor, has approved bills which originated in the Senate, of the following titles :

An act to repeal an act to fix the pay of Judges and Sheriffs of Henry and Dale counties ;

An act to compensate Jurors and Constables in Justices Courts ;

An act in respect to the property of non-resident minors :

An act for the relief of certain persons therein named ;

An act to define and establish definitely the dividing line between beats No. 8, and ---, more generally known as Alexandria and Colvins, in Benton county :

An act for the relief of Samuel B. Marks :

An act to create an additional Company Beat in Jackson county, and for other purposes ;

An act for the relief of W. H. Maynor :

An act to amend the charter of the city of Montgomery ;

An act for the benefit of John M. Weston :

An act to amend section 939 of the Code of Alabama.

Mr. Acklin, from the joint committee, appointed to wait on the Governor and inform him that the two Houses of the General Assembly are ready to adjourn *sine die*, if he has no further communication to make to them, reported that they have performed that duty and were informed by the Governor that he had no further communication to make.

On motion of Mr. Patton,

Resolved, That the thanks of the Senate, be, and they are hereby tendered to the Reverend Clergy of this city, for their daily ministrations as Chaplain of the Senate during the present Session of the Legislature.

Mr. Patton also offered the following resolutions, which were unanimously adopted :

Resolved, That the thanks of the Senate, be, and are hereby tendered to the Hon. B. C. Yancey, President, for the

able, dignified and impartial manner in which he has presided over its deliberations.

Resolved, That the thanks of the Senate are also due and tendered to the Secretary, Assistant Secretary, Door Keeper and other officers of this body, for the prompt and faithful manner in which they have discharged the duties connected with their respective offices.

Mr. President responded to the resolutions in a brief, elegant and appropriate manner, and bade the members of the Senate an affectionate farewell, and pronounced the Senate adjourned *sine die*.

BEN. C. YANCEY,
President of the Senate.

Attest :

J. H. PHELAN,
Secretary.

INDEX.

ABERNATHY, MR.—

Introduced bills, 23, 59 ; presented petitions, 196, 264 ; made motion, 153.

ACKLIN, MR.—

Offered resolutions, 6, 62 ; introduced bills, 23, 25, 48, 52, 53, 94, 104, 152, 164, 233 ; presented accounts, 26, 168, presented petitions, 39, 40, 41, 47, 51, 78, 80, 196 ; moved to amend 75 ; moved to reconsider, 48 ; moved to adjourn, 328.

ASHLEY, MR.—

Offered resolutions, 5 ; introduced bills, 86, 226, 243 ; presented petitions, 25 ; moved to postpone, 217 ; moved to lay on table, 247, 297 ; moved to strike out and insert, 324, 331.

BACON, MR.—

Offered resolution, 85 ; introduced bills, 23, 26, 46, 53, 65, 78, 94, 104, 195, 213, 232, 244, 258 ; moved to lay on table, 117 ; moved to amend, 65.

BAKER, MR.—

Introduced joint resolutions, 49, 78, 266 ; offered resolutions, 5, 43, 225, 352 ; introduced bills, 52, 109, 153, 195, 258, 280, 292, 315 ; moved to amend, 62, 69, 70, 124, 125, 216, 251, 269, 302 ; from decision of chair, 69, 327 ; to strike out and insert, 135, 151, 155, 203, 205, 317, 333 ; moved to postpone, 151, 245, 249 ; moved previous question, 253, 328 ; moved to suspend, 301 ; made motion, 316 ; moved to lay on table, 318, 323.

BETHEA, MR.—

Offered resolutions, 152 ; presented petitions, 105, 144 ; introduced bills, 24, 27, 31, 66, 73, 87, 145, 165, 178, 213 ; moved to lay on table, 68 ; moved to recommit, 123, 125 ; to strike out and insert, 129 ; moved previous question, 135 ; made motion, 144 ; to postpone, 249 ; moved to amend, 260, 302, 337, 338, 346 ; moved to adjourn, 38, 317, 318, 324 , moved to strike out and insert, 334.

BRADFORD, MR.—

Offered resolutions, 26 ; introduced bills, 104, 152, 163, 292 ; moved to postpone, 162 ; to lay on table, 155, 168, 289, 293 ; to postpone indefinitely, 318 ; made

motion, 20 ; moved to amend, 163 ; moved to recommit, 217 ; to strike out and insert, 273, 305 ; moved to adjourn, 319.

BRINDLEY, Mr.—

Offered resolutions, 6, 53, 156 ; introduced bills, 48, 52, 165, 217, 266, 280 ; made motion, 72, 137 ; moved to postpone, 134, 199, 265 ; moved to strike out, 352 ; moved to lay on table, 92, 155 ; moved to amend, 43, 68, 157 ; presented petition, 142.

COCKE, Mr.—

Offered resolutions, 46, 94, 201 ; introduced bills, 22, 25, 37, 39, 53, 59, 66, 98, 104, 109, 125, 145, 212, 211, 225, 245, 260 ; moved to amend, 62, 261, 297, 305, 309, 323 ; to strike out and insert, 203 ; moved to reconsider, 93 ; made motion, 201, 270 ; to take from table, 282 ; moved to suspend, 301 ; moved to adjourn, 325.

COMMITTEES—

Joint—appointed, 6, 30, 31, 35, 563.

Joint—reports from, 23, 39, 98, 206, 364.

Select—appointed, 6, 22, 25, 30, 34, 35, 125, 197, 262.

Select—Reports from, 7, 23, 27, 30, 34, 97, 102, 177, 195, 216, 235, 256, 335, 364.

Standing—appointed, 20, 21.

Standing—reports from Judiciary, 26, 27, 35, 44, 45, 47, 59, 62, 63, 64, 65, 66, 72, 74, 80, 84, 85, 86, 89, 90, 92, 94, 96, 97, 101, 104, 105, 109, 117, 122, 123, 124, 128, 132, 136, 139, 143, 144, 145, 153, 154, 156, 168, 177, 186, 196, 203, 206, 215, 117, 219, 226, 246, 247, 248, 249, 250, 251, 253, 256, 259, 260, 261, 264, 268, 269, 277, 280, 282, 288, 298, 312, 330, 335, 352, 353, 354.

Banks and Banking, 93, 186, 264, 265, 288, 330, 335.

Sixteenth Sections, 130, 159, 165, 178, 253, 271.

Propositions and Grievances, 52, 72, 105, 154, 157, 226, 269, 335.

Education, 30, 52, 66, 79, 80, 197, 212, 216, 250.

Divorce and Alimony, 52, 59, 116, 215.

Retrenchments, 71.

Accounts and Claims, 44, 122, 124, 130, 154, 156, 206, 243, 258, 277, 280, 289. Penitentiary, 216, 250.

Agriculture, 38, 133. Military, 288, 289.

County Boundaries, 272, 313.

State Printing, 63, 86, 111, 158.

Roads, Bridges and Ferries, 196, 226, 248, 256, 271.
Internal Improvements, 38, 44, 68, 70, 78, 85, 96, 128, 129, 130, 154, 202, 218, 228, 250, 262, 264, 269, 283, 336.

Finance, 39, 90, 93, 206, 215, 216, 217, 249, 242, 269, 272, 277, 288, 298.

Enrolled Bills, 51, 71, 79, 85, 93, 95, 122, 126, 129, 132, 133, 139, 140, 158, 165, 185, 186, 218, 259, 160, 267, 283, 297, 300, 302, 316, 326, 334, 341, 350, 352, 359.

ELECTIONS—President of Senate, 4 ; Secretary of Senate, 4 ; Assistant Secretary, 4 ; Door Keeper, 5.
United States Senator, 33.

Secretary of State, 54 ; Treasurer of State, 55 ; Comptroller of Public Accounts, 55.

Supreme Court Judge, 91, 169, 170 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 182, 183, 184, 185, 188, 189, 190, 191, 192, 193, 194, 195.

Superintendent of Free Public Schools, 352.

Trustee of University, 354.

FELDER, MR.—Offered resolutions, 95, 168 ; introduced bills, 27, 28, 29, 31, 37, 78, 87, 95, 104, 106, 187, 233, 144, 239, 269, 357 ; presented petition, 35 ; presented account, 164 ; to lay on table, 250 ; moved to amend, 60, 155, 204, 287, 333, 349 ; made motion, 139 ; to strike out and insert, 242, 306.

GAY, MR.—Introduced bills, 23, 127, 236.

GUNN, MR.—Offered resolutions, 350 ; introduced bills, 119, 144, 145, 195, 217, 221, 232, 235, 265, 288 ; moved to amend, 134, 139, 155, 157 ; moved to postpone, 198 ; made motion, 135, 136, 206, 335 ; moved to lay on table, 157, 196, 221, 242, 253, 260, 262, 316 ; moved to strike out and insert, 214, 232 ; moved to suspend, 327 ; offered substitute, 354.

GOVERNOR.—Votes counted for 29.

HATCHER, MR.—Presented petition, 44.

HEWLETT, MR.—Offered resolutions, 45, 152, 163 ; introduced bills, 22, 29, 72, 152, 251 ; presented petitions, 152 ; to amend, 253 ; moved to postpone, 317, 321, 322 ; moved to lay on table, 88, 254, 303 ; moved to refer, 262 ; moved to amend, 325 ; moved to adjourn, 317, 318, 320, 321, 322, 324, 325, 327, 329.

HOBDY, MR.—Offered resolutions, 28 ; introduced bills, 37, 109, 195, 252 ; moved to adjourn, 329.

JEMISON, MR.—Offered joint resolutions, 232 ; offered re-

solutions, 36, 125, 289, 351, 358 ; presented communication, 34 ; introduced bills, 87, 97, 195, 213, 257 ; presented petitions, 94 ; presented accounts, 195 ; moved to amend, 93, 102, 293 ; to suspend, 320, 323 ; moved to lay on table, 6, 84, 91, 126, 134, 204, 339 ; moved to re-commit, 91 ; moved to re-consider, 95, 96, 108, 233 ; moved to postpone, 107, 251 ; moved to suspend, 108 ; made motion, 125, 133, 322 ; moved to strike out and insert, 325, 332 ; moved to refer, 269, 270 ; moved to adjourn, 325.

JENKINS, MR.—Presented petitions, 30 ; introduced bills, 72, 106, 226, 267 ; moved to amend, 33 ; to re-consider, 248.

JONES, MR. E. P.—Introduced bills, 26, 31 ; presented petitions, 30, 158, 241 ; presented accounts, 51 ; moved to amend, 79 ; presented memorials, 196 ; moved to re-commit, 201 ; made motion, 20.

JONES, MR. H. C.—Offered resolutions, 21, 213, 217, 221 ; presented petitions, 246 ; introduced bills, 29, 37, 126, 156, 195, 197 ; made motion, 74, 108, 162, 249 ; moved to postpone, 116 ; moved to lay on table, 219, 334 ; moved to re-consider, 29 ; moved to amend, 126, 157, 288, 301, 331, 346 ; moved to strike out and insert, 101, 242, 287, 302, 305 ; moved to refer, 262 ; moved to adjourn, 318.

KIMBALL, MR.—Joint resolutions, 217 ; offered resolutions, 52, 57, 143 ; introduced bills, 48, 126, 153, 315 ; presented petition, 109 ; moved to amend, 69, 256, 261, 315 ; moved to postpone, 241.

LAMAR, MR.—Presented petitions, 25, 145 ; introduced bills, 39, 212 ; presented accounts, 153 ; moved to amend, 128 ; to refer, 255 ; moved to adjourn, 319, 320.

MALONE, MR.—Introduced joint resolutions, 31 ; offered resolutions, 26, 36, 43, 156, 214 ; introduced bills, 26, 39 ; made motion, 67, 73, 135, 283, to amend 79, 159, 258, 285, 309, 346 ; appealed from decision of the chair, 135 ; presented petition, 143 ; to strike out and insert, 186, 231, 303 ; to lay on table, 241, 285, 287.

MESSAGES.—From the Governor, 7, 27, 94, 102, 106, 133, 144, 149, 160, 177, 198, 199, 205, 221, 223, 273, 278, 284, 290, 309, 338, 340, 349, 353, 358, 357, 364.

From the House of Representatives, 5, 6, 21, 24, 25, 27, 30, 33, 35, 40, 45, 47, 48, 53, 59, 60, 61, 62, 64, 66, 70, 71, 73, 76, 80, 91, 102, 111, 118, 119,

121, 123, 124, 126, 128, 133, 136, 140, 142, 151, 158, 160, 163, 168, 178, 186, 197, 199, 204, 219, 221, 233, 240, 241, 244, 245, 246, 251, 252, 254, 261, 265, 267, 272, 275, 280, 289, 291, 299, 303, 313, 314, 325, 331, 333, 337, 338, 341, 346, 347, 349, 351, 352, 354, 358, 359, 361.

NELSON, Mr.—Presented petitions, 253; introduced bills, 26, 72, 79, 106, 164, 217, 231, 244; moved to amend, 32, 33, 42, 220; moved to adjourn, 329.

PATTON, Mr.—Joint resolutions, 59, 101, 282; offered resolutions, 5, 22, 28, 31, 144, 153, 358, 364; presented petitions, 142, 158; introduced bills, 23, 53, 65, 73, 86, 101, 130, 153, 195, 217, 267, 315; presented communication, 41, 46, 233; presented report, 46; submitted census statement, 48; moved to strike out and insert, 287, 303; moved to refer, 25; moved to reconsider, 67; moved to suspend, 321, 322; moved to lay on table, 69, 135, 204, 277, 287; to amend, 73, 94, 156, 302, 348; made motion, 119, 248, 333; to recommit, 245; moved to take from table, 94; moved to adjourn, 318, 324.

POWELL, Mr.—Offered resolutions, 31, 49; introduced bills, 37, 46, 52, 104, 125, 133; made motion, 65; moved to amend, 231, 250, 285, 333, 335, 338, 340, 355, 358; moved to lay on table, 59, 339.

PETERSON, Mr.—Introduced bills, 104, 127, 138, 104, 280; moved to amend, 64, 65, 66, 73, 257; presented petitions, 35; introduced bills, 37, 72, 257; moved to postpone, 68; made motions, 125.

PRESIDENT, Mr.—Introduced bills, 59, 78, 226, 259; presented petitions, 92; presented accounts, 277; communications, 53, 95, 142, 286; census returns, 71, 104; reports, 6, 46, 88, 254; offered resolutions, 62; moved to postpone, 277; moved to take from the table, 214; moved to amend, 214, 287; moved to strike out and insert, 288, 293, 299; moved to reconsider, 293.

PRINCE, Mr. McC.—Offered resolutions, 98; introduced bills, 78, 165, 232, 272; moved to re-consider, 201; moved to amend, 73, 201; moved to lay on table, 91; made motion, 136, 177.

SEARCY, Mr.—Introduced resolutions, 243, 272, 347; introduced bills, 6, 28, 39, 46, 53, 59, 66, 72, 98, 126, 139, 164, 230, 257; moved to amend, 69; moved to strike out and insert, 88.

TAYLOR, Mr.—Offered resolutions, 25, 39, 56, 90, 104,

185 ; introduced bills, 23, 28, 37, 72, 78, 109, 143, 257, 265, 292 ; presented memorials, 91 ; presented petitions, 142, 149, 218 ; moved to strike out and insert, 161, 302 ; moved to amend, 74, 90, 145, 287, 335 ; moved to refer, 38, 163 ; moved to lay on table, 56, 85, 151 ; made motion, 140, 152, 164, 166 ; moved to re-consider, 277 ; moved to adjourn, 328.

WILSON, MR. B. F.—Introduced bills, 72, 236, 357 ; made motions, 106 ; moved to adjourn, 135 ; moved to amend, 265 ; to strike out and insert, 302.

WILSON, MR. THOMAS.—Introduced bills, 23, 40, 212, 213, 254 ; presented petitions 25, 58, 149 ; presented accounts, 25, 49, 41, 59, 152 ; moved to amend, 63 ; moved to lay on table, 309 ; moved to strike out and insert, 332, 337, 338.

WEBB, MR.—Introduced bills, 53, 59, 78, 89, 145, 195, 213, 226 ; moved to amend, 256 ; moved to re-consider, 326.

YEAS AND NAYS.—On adoption, 48, 309.

For division of question, 163.

On appeal from decision of chair, 69, 135, 328.

To amend 62, 63, 66, 138, 139, 155, 339, 340.

To re-consider, 29, 293, 296, 326, 328.

To postpone, 198, 241, 249, 317.

To postpone indefinitely, 245, 321.

To lay on table, 52, 68, 69, 91, 126, 135, 155, 156, 161, 168, 204, 219, 242, 285, 287, 289, 293, 309, 313, 316, 318, 319, 323, 334, 338, 339, 348.

On ordering to third reading, 45, 70, 71, 75, 85, 89, 91, 118, 127, 132, 133, 139, 163, 203, 214, 218, 219, 252, 253, 256, 257, 258, 260, 277, 283, 301, 309, 313, 330, 331, 345.

On filling blank, 215.

To refer, 270.

On concurring in report, 255.

To suspend, 108, 301, 316, 321, 322, 327, 333.

On final passage, 60, 95, 96, 97, 102, 218, 338, 339, 349, 352.

To strike out and insert, 232, 265, 293, 325, 331, 332, 333, 338.

On previous question, 328.

On Governor's veto, 103, 116, 121, 157, 200, 201, 220, 222, 223, 229, 242, 241, 248, 275, 290, 300, 310, 311, 312, 314, 334, 343, 350, 354.

On adjournment, 38, 135, 178, 184, 317, 318, 319, 320, 321, 322, 324, 325, 327, 328, 329.